

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.205 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District-

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ARIFF @ ARIFF JAMAL @ MD. ARIF JAMAL Son of Md. Shaid R/o
Mohalla- House no. D/44/95, Ramapura, P.S- Laksa, Dist- Varanasi (UP)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rokaiya Khatoon Wife of Arif @ Ariff Jamal D/o Ali Haider @ Kaish , R/o
Village- Tari , Mohalla, Ara , P.S- Ara Nagar, Dist.- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. Ashwani Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 14-12-2023 Heard the learned counsel for the parties.

2. The instant revision is directed against an order dated 12th of December, 2018, passed in Criminal Appeal No. 18 of 2018, by the learned Additional Sessions Judge 3rd, Bhojpur at Ara, in connection with Domestic Violence Case No. 2038(C) of 2017, affirming the order dated 24th of April, 2018, passed by the learned Judicial Magistrate, 1st Class, Bhojpur at Ara, whereby and whereunder, the Opposite Party No. 2 has been granted Rs. 5,000/- per month towards his monetary allowance.

3. It is urged by the petitioner / husband that the petitioner divorced his wife, Opposite Party No. 2 herein,



by pronouncing *Talaq* at 12th of February, 2016. Therefore, the petitioner has no domestic relation with the Opposite Party No. 2.

3. It is also urged by the learned Advocate appearing on behalf of the petitioner that a false case has been made out by the Opposite Party No. 2, stating, *inter alia*, that the petitioner earns Rs. 40,000/- per month from a shop of Saree in Varanasi.

4. The learned Judge was of the opinion that divorce by pronouncing *Talaq* is not admissible under the law. The Opposite Party No. 2 was not divorced under the Muslim Personal Law. She is still the wife of the petitioner. Therefore, domestic relation exists between them. The learned Judge in the Appellate Court did not find any reason to interfere with the decision made by the learned Magistrate in Divorce Case No. 2038(C) of 2017, *vide* order dated 24th of April, 2018.

5. I have perused the impugned order as well as the order passed by the learned Judicial Magistrate, 1st Class, Bhojpur at Ara. The petitioner was directed to pay interim monetary relief at the rate of Rs. 5,000/- per month



towards here separate residence and cost of litigation. The said amount is not, at all, excessive and passed after assigning reasons.

7. In view of such circumstances, I do not find any reason to admit the instant revision.

8. Accordingly, the instant criminal revision is dismissed.

9. The impugned order dated 12th of December, 2018, passed in Criminal Appeal No. 18 of 2018, by the learned Additional Sessions Judge 3rd, Bhojpur at Ara, in connection with Domestic Violence Case No. 2038(C) of 2017, is affirmed.

(Bibek Chaudhuri, J)

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