

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1116 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

Masood Zafar S/o - Late Zafar Eqbal resident of Village - Chunamari Kazi Tola, P.S. - Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bebi Abesa Khatoon Wife of Masood Zafar, D/o - Arif
3. Bibi Sohani D/o - Masood Zafar Opposite party No. - 3 is the minor daughter of opposite party no. - 2 and is represented through her mother Opposite party no. 2 and 3 are resident of Village Chunamari Kazi Tola, P.S. - Kochadhaman, District - Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Respondent/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-02-2023

I.A. No. 2406 of 2016

I.A. No. 2406 of 2016 has been filed for condoning the delay in preferring this criminal revision application.

In view of reasons assigned in the limitation petition i.e. I.A. No. 2406 of 2016, same is allowed and delay in filing this case is, hereby, condoned.

Criminal Revision No. 1116 of 2016

This criminal revision application has been filed against order dated 16.06.2016 passed by learned Principal Judge, Family Court, Kishanganj in Case No. M47/2008/TR No. 230/2015 whereby and whereunder the learned Principal Judge



has allowed the petition filed by opposite party no. 2 and directed the petitioner to pay Rs. 2,000/- per month to opposite party no. 2, who is wife of petitioner, and Rs. 3,000/- per month to opposite party no. 3, who is daughter of petitioner, as maintenance.

It is submitted by learned counsel for the petitioner that the present application is not maintainable as “*Talak*” has already been pronounced much earlier to 28.09.2007 and under an agreement Rs. 80,000/- cash was given to opposite party no. 2, as “*Dain Mehar*” and as such, petitioner is not liable to pay any maintenance.

However, in support of the same, he has not annexed any document. Moreover, Explanation (b) to Section 125 (1) of the Cr.P.C. expression enacts that wife includes a woman who has been divorced and has not married.

I have carefully perused the impugned order. The court below, after taking into consideration the materials available on record, has passed the order impugned, which does not require any interference by this Court. The petitioner, in support of his aforesaid submission, has not brought any chit of paper.

Accordingly, this criminal revision application stands



dismissed.

(Prabhat Kumar Singh, J)

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