

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1048 of 2017

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

=====

Anil Sah S/o Late Yogendra Sah, R/o Village Bhindi Simariya, P.S. Kalyanpur, District Samastipur.

... .. Petitioner/s

Versus

Poonam Devi W/o Anil Sah, R/o Village Bhindi Simariya, P.S. Kalyanpur, District Samastipur present address R/o Village Madhutola, P.S. Khanpur, District Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 09-05-2023

I.A. No.2456 of 2017

The present I.A. has been filed for condoning the delay in filing the present Cr. Revision Application.

Learned counsel for the petitioner submits that the period of filing of revision application has been expired on 17.04.2016 and this case was filed on 01.11.2017 i.e. near about lapse of 19 months. He submits that the case could not be filed within time due to the mistake of the counsel and, therefore, delay may be condoned.

In the interest of justice, the delay in filing the present Cr. Revision Application is hereby condoned and the I.A. No. 2456 of 2017 is hereby allowed.



Heard learned counsel for the petitioner.

The present Cr. Revision Application has been filed against the order dated 18.01.2016 passed in Maintenance Case No. 39 of 2014 (Reg. No. 550 of 2014) by Principal Judge, Family Court, Samastipur under Section 125 of Cr.P.C. by which he was directed to pay Rs.3,000/- per month to his wife i.e. opposite party and Rs.1,000/- per month to his three children, total amount is Rs.6,000/- from the date of filing of petition. It was also directed to make payment of entire arrear within six months in equal installments.

Learned counsel for the petitioner submits that vide Annexure-1 i.e. certificate of *Panchanama* and *Mukhiya* by which the petitioner want to show that the character of opposite party is not correct and she is living with one Dinesh Sah for last ten years as husband and wife. He further submits that on this ground alone the order passed by the Principal Judge, Family Court dated 18.01.2016 is declared as illegal and notice be issued upon the opposite party.

After hearing the argument of counsel for the petitioner and going through the order impugned, this Court is of the view that Annexure-1 has never been produced before the trial court. From the impugned order it also transpires that this



order is well contested order and petitioner has appeared in this case, filed his reply and also adduce his evidence about which the statement has come in paragraph no.19 of the impugned order in which it has come that the petitioner has accepted that marriage was solemnized between the opposite party and petitioner. He also acknowledged that they have children and petitioner also shows his willingness to maintain his wife and children but he has not come forward for cross-examination except one date. Court has continuously granted him time and waited for cross-examination from 12.08.2015 to 06.01.2016 and thereafter closed his evidence.

Principal Judge, Family Court, Samastipur has passed a reasoned and well discussed order and directed the petitioner to pay maintenance of Rs.3,000/- to the wife i.e. opposite party and Rs.1,000/- to each children namely Raja Kumar, Prem Kumar and Arati Kumari from the date of institution of petition which is 21.02.2014.

Upon calculation the total arrear today as on date comes at tune of Rs.6,66,000/- (Rupees Six Lacs Sixty Six Thousands).

In the light of the discussions made above, this Court found that there is no illegality or any question of



correctness or propriety involved in the present case, therefore,
the present Cr. Revision Application stands dismissed.

Principal Judge, Family Court, Samastipur is
directed to execute the order dated 18.01.2016 by way of
issuance of process under Form 18 & 19 of Schedule-II of
Cr.P.C., 1973 as well as steps described in the order passed in
the case of *Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar &
Ors.* reported in *2023 (1) PLJR 756*.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

