

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.302 of 2017

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

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Santosh Kumar Gupta S/o Bhuwali Prasad Gupta @ Shambhu Pd. Gupta
Resident of Village - Daroga Tola, Jaupal, P.S. - Banjaria, District - Motihari.
... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Anamika Kumari W/o Santosh Kumar, D/o - Ramashankar Prasad Resident
of Village - Sohar, P.S. - Righa, District - Sitamarhi.
... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Adv.
For the State/s	:	Mr. Smt. Anita Kumari Singh, APP
For the O.P. No.2	:	Ms. Madhubala Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 05-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

It has been informed by counsel for O.P. No.2 that
vide order dated 03.08.2018 passed by this Hon'ble Court that
the petitioner was directed to pay Rs.5,000/- per month
regularly to the O.P. No.2 but he failed to comply the said order.

Counsel submits that vide order dated 02.02.2023, it
has been specifically mentioned by O.P. No.2 which has been
acknowledged on record that petitioner is not paying
maintenance amount Rs.5000/- regularly to O.P. No.2 in terms
of order dated 03.08.2018 and still monthly maintenance of last
11 months are due of O.P. No.2

Counsel for petitioner was directed to verify the same
and it was also directed to pay the said arrears positively on or
before the next date of hearing.

Thereafter, on 21.02.2023, no one appeared on behalf

of the petitioner and again, the matter was adjourned for 28.02.2023.

Counsel for the petitioner submits that the mediation for one time settlement is going on and for that the petitioner had deposited Rs.23,00,000/- in the form of instrument before the mediator. Counsel for O.P. No.2 denies from this aspect.

In the light of observation made in this case, this Cr. Revision Application is hereby dismissed. Direction is hereby given to the Principal Judge, Family Court Sitamarhi that if mediation process is going on between the parties, it may reach to a conclusive end but in case, mediation process has not started and the submissions made by counsel for petitioner, namely, Adv. Mr. Santosh Kumar Gupta has been found incorrect then, the Principal Judge, Family Court Sitamarhi is directed to proceed against him by issuing the processes under Form 18, 19 of Schedule II of Cr.P.C., 1973 for realization of all the arrears which comes after calculation without changing anything in the order passed by the Principal Judge, Family Court Samastipur.

With this direction, this Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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