

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1558 of 2018**

Manoj Kumar Sharma @ Manoj Sharma son of Sri Birendra Mistry, At present residing at House number c-559, Dabua Colony, Near Choudhary Ara MNachine, N.I.T. Faridabad, P.s. saran Dist. Faridabad UP, Permanent resident of village- Taradih, P.o. Umga Police Station- Madanpur, Dist. - Aurangabad bihar

... .. Petitioner/s

Versus

1. Mrs. Sanju Kumari, wife of Manoj Kumar Sharma @ Manoj Sharma, Daughter of late Dharamdeo Sharma
2. Aadarsh Kumar, Son of of Manoj Kumar Sharma @ Manoj Sharma
3. Aniket Kumar, Son of Manoj Kumar Sharma @ Manoj Sharma all resident of village- Barhi Tola, P.s. Sheghaty, Dist.- Gaya

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate  
For the Respondent/s : Mr. Praveen Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

14    13-02-2024                      Pursuant to the order(s) dated 01.12.2023 and 02.01.2024, the petitioner has prepared a Demand Draft bearing No. 115373 dated 16.12.2023 for an amount of Rs. 1,00,000/- (one lac) and the same has been handed over to the respondent- Sanju Kumari.

02. The instant petition has been filed against the order dated 16.07.2018 passed in Misc. Case No. 67 of 2015 by the learned Principal Judge, Family Court, Gaya under Section 125 of the Code of Criminal Procedure.

03. Section 19(4) of the Family Courts Act, 1984 provides as follows:-



*“(4). The High Court may, of its own motion or otherwise, call for and examine the record of any proceeding in which the Family Court situate within its jurisdiction passed an order under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) for the purpose of satisfying itself as to the correctness, legality or propriety of the order, not being an interlocutory order, and, as to the regularity of such proceeding.”*

04. Obviously, the present Civil Misc. Petition under Article 227 of the Constitution of India is not maintainable, as the same has been filed against an order passed by the Family Court under Section 125 of the Code of Criminal Procedure. Even the Division Bench of this Court in the case of ***Raj Kumar Sah Vs. The State of Bihar and Anr. (Criminal Revision No. 321 Of 2008 decided on 24.10.2008)*** has held that the order passed by the Family Court in an application under Section 125 of the Code of Criminal Procedure, revision under Section 19(4) of the Act is fit to be registered as Criminal Revision.

05. Faced with the situation, learned counsel for the petitioner seeks permission to convert this civil misc. case into criminal revision.

06. Under the circumstances, learned counsel for the petitioner is permitted to do so within four weeks subject to the



requirements of the prescribed rules.

**(Arun Kumar Jha, J)**

Ashish/-

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