

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.518 of 2023**

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

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RAKESH KUMAR @ MUNNA KUMAR SON OF LAXMAN SINGH R/O-
GYASPUR, P.S.-PAROO, DISTT.-MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. ANNU DEVI DAUGHTER OF BABAN CHOUDHARY WIFE OF RAKESH KUMAR @ MUNNA KUMAR, R/O-SARAIYA, P.S.-SAHEBGANJ, DISTT.-MUZAFFARPUR
3. ANSH RAJ SON OF RAKESH KUMAR @ MUNNA KUMAR UNDER THE GUARDIANSHIP OF HIS MOTHER ANNU DEVI, PRESENTLY RESIDING AT VILLAGE-SARAIYA, P.S.-SAHEBGANJ, DISTT.-MUZAFFARPUR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad Kunwar

For the Respondent/s: Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 22-07-2024

I.A. No. 1 of 2023

The present interlocutory application has been filed for condonation of delay of two years one month i.e. 761 days in filing the present criminal revision application.

2. For the reasons stated in the application, the delay of two years one month occurred in filing the revision application is hereby condoned.

3. Accordingly, interlocutory application stand disposed of.

Cr. Rev. 518 of 2023



4. It is submitted by learned counsel for the petitioner that a specific pleading was made by the petitioner-husband before the Family Court in the maintenance case that the O.P. No. 2 was re-married with one Deepak Kumar. However, before the learned Family Court, the petitioner was not able to establish this fact, therefore, the impugned order has been passed by the learned Family Court. Learned counsel for the petitioner further submits that after passing of such order, a document at Annexure-1 has been obtained by the petitioner wherein the Inquiry Officer arrived at the conclusion that O.P No. 2 was re-married with one Deepak Kumar, therefore, it is prayed by the counsel for the petitioner that O.P. No. 2 is re-married, as such, on this ground alone, she is not entitled to get any maintenance from the petitioner.

5. In view of the aforesaid fact, learned counsel for the petitioner further submits that this revision petition may be disposed of reserving liberty to the petitioner to file an application before the Family Court under Section 127 of Cr.P.C. for modification/cancellation of maintenance order i.e. impugned order dated 26.03.2021 on the ground of re-marriage of O.P. No. 2 with another man.



6. In view of the above submission made by the learned counsel for the petitioner, this revision application is disposed of with the aforesaid liberty.

(Arvind Singh Chandel , J)

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