

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.908 of 2019

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

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RICHA KUMARI W/o Divyendu Saurav Resident of Tarapur, P.S.-Tarapur,
District-Munger, At present D/o Fani Bhushan Acharya, resident of Ajanta
Arts Press Court Road, Jamui, P.S. and District-Jamui.

... .. Petitioner/s

Versus

DIVYENDU SAURAV Son of Rudranand Mishra Resident of Tarapur, P.S-
Tarapur, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Abdul Mannan Khan, Advocate
Mr. Avinava Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 16-01-2024 It is rightly contended by the learned Advocate for

the petitioner that the petitioner was a legally married wife of

the opposite party and their marriage was solemnized on 7th

December, 2012. Subsequently, the petitioner filed an

application for maintenance under Section 125 of the Cr.P.c.

against her husband on 2nd September, 2014 which was

registered as Misc. Case No. 143 of 2014 and the said

miscellaneous case was disposed of on 3rd April, 2017 directing

the opposite party/husband to pay maintenance at the rate of Rs.

4,000/- per month to the petitioner within 10th of each

succeeding month from the date of filing of the application.

Subsequently, the opposite party filed an application under



Section 127 of the Cr.P.C. praying for modification/cancellation of the said order on the ground that the petitioner married for the second time either on 20th May, 2017 or 25th May, 2017. Therefore, she is not entitled to get any maintenance.

2. It is submitted by the learned Advocate for the petitioner that by impugned order dated 15th May, 2019, the learned trial Judge allowed the application under Section 127 of the Cr.P.C. and rejected entire order under Section 125 of the Cr.P.C. holding inter alia that as a result of second marriage by the, she is not entitled to get any maintenance. It is also submitted by the learned Advocated for the petitioner that the petitioner is entitled to maintenance from the date of filing application till the date she married for the second time. After heard second marriage, she is not entitled to get any maintenance. I am inconformity with the submission made by the learned Advocate for the petitioner. In view of such circumstances, the impugned order dated 15th May, 2019 is quashed and set aside.

3. The learned trial Judge is directed to dispose of Misc. Case No. 34 of 2017 under Section 127 of the Code of Criminal Procedure filed by the opposite party in accordance with law and in the light of the observation made hereinabove.



4. The instant Revision is accordingly allowed. The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J)

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