

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 763 of 2022

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

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Md. Jahangir Alam S/O Late Anwar Ali R/V- Milki Tola Gote, P.S.- Maranga
(K. Hatt), District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nazhat Sultana D/o Late Nawabuddin W/o Jahangir Alam R/v- Sisori Tola, Pir Nagar, P.S.- Nawkothe, District- Begusarai
3. Praveen Sultana D/o Nuzhat Sultana and Md. Jahangir Minor, Under Natural Guardianship of her Mother namely Nuzhat Sultana R/v- Sisori Tola, Pir Nagar, P.S.- Nawkothe, District- Begusarai
4. Nasreen Sultana D/o Nuzhat Sultana and Md. Jahangir Minor, Under Natural Guardianship of her Mother namely Nuzhat Sultana R/v- Sisori Tola, Pir Nagar, P.S.- Nawkothe, District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammad Akhter Hussain, Adv.
For the Respondent/s	:	Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 07-10-2024 Heard both the counsels.

2. The present criminal revision application has been preferred by the petitioner being order dated 16.08.2012 passed by the Principal Judge, Family Court, Begusarai in Maintenance Case No. 132M of 2011, whereby and where under, the learned Family Court allowed the application filed under Section 125 of the Cr.P.C. by O.P. No. 2 and directed the petitioner to pay monthly maintenance of Rs.3100/- to the O.P. No. 2 and her children, *i.e.*, O.P. Nos. 3 and 4.

3. At the time of argument, it is informed by the

learned counsel for the petitioner that the impugned order is an *ex-parte* order. According to him, O.P. No. 2 is the wife of the petitioner but O.P. Nos. 3 and 4 are not the legitimate or illegitimate child of the petitioner. Therefore, the petitioner has filed a separate application under Section 127 of the Cr.P.C. before the Principal Judge, Family Court, Begusarai on 03.08.2022 being Miscellaneous Case No. 04 of 2018. He further submits that in the said miscellaneous proceeding, pleadings are completed but evidence has not been recorded by the Family Court.

4. Considering the above submission made by the learned counsel for the petitioner and further considering the fact that for cancellation of the alteration of the impugned order dated 16.08.2012, a Miscellaneous Case No. 04 of 2018 has already been filed by the petitioner, which is pending before the learned Principal Judge, Family Court, Begusarai, it would be appropriate to dispose of this criminal revision application directing the concerned Family Court to decide the concerned miscellaneous case within a stipulated period fixed by this Court.

5. Accordingly, the present criminal revision application is disposed of.

6. The Family Court concerned is directed to decide the pending Miscellaneous Case No. 04 of 2018, as early as possible probably within nine months from today in accordance with the relevant provisions of law.

(Arvind Singh Chandel, J.)

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