

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1484 of 2022

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

MANJU KUMARI D/O Ram Akwal Singh, Wife of Late Shailendra Kumar Singh Resident of Gautam Nagar, Janta Road, P.S.- Garadanibag, P.O.- G.P.O., District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police Bihar, Patna Bihar
3. Senior Superintendent of Police, Patna Bihar
4. Officer Incharge, Gaurichak Police Station, Patna Bihar
5. Shailendra Kumar Singh Son of Ram Ratan Singh Resident of Village- Rampur, P.S.- Gaurichak, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dayashanker Pandey Adv.
For the State : Mr. Dr. Mankeshwar Tiwari, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 17-02-2024 Heard learned Advocate for the petitioner as well as learned APP for the State.

2. Under the facts and circumstances of the case, this Court is of the view that the instant writ petition can be disposed of on the basis of submission made by the learned counsels for the petitioner and the respondent nos. 1 to 4.

3. The instant writ petition depicts an unfortunate picture of helplessness of a destitute lady, who has been refused and neglected to be maintained by her husband. The petitioner is the legally married wife of respondent no. 5.



4. Upon an application under Section 127 of the Cr.P.C., the learned Principal Judge, Family Court, Patna passed an order on 27th April, 2015, directing the respondent no. 5 to pay maintenance to his wife @ Rs. 2500/- per month only. The respondent no. 5 failed and neglected to comply with the said direction and order. The learned Principal Judge, Family Court at Patna thereafter issued a notice to show cause on 10th February, 2017, directing the respondent no. 5 to show cause, as to why coercive steps shall not be taken for non-payment of a sum of Rs. 70,000/- up to 10th February, 2017 towards maintenance. The respondent no. 5 did not file any reply to the show cause for non-payment of said amount. Subsequently, distress warrant was issued by the trial court on 9th October, 2017 against respondent no. 5. Till date the said distress warrant has not been executed.

5. Under such circumstances, the instant writ petition is disposed of directing the respondent nos. 3 and 4 to execute the distress warrant dated 9th October, 2017, positively within 30 days from the date of communication of this order.

6. If, the arrears maintenance cannot be realized by attachment and sale of immovable property of the respondent no.. 5, the learned Principal Judge, Family Court, Patna is at



liberty to take the follow up action issuing warrant of arrest against the respondent no. 5 and follow up action as contemplated in the court for realization of arrears maintenance as well as current maintenance to the petitioner.

7. With the above order, the instant writ petition is disposed of.

8. The petitioner is at liberty to act on the server copy of the order.

9. The learned Principal Judge, Family Court at Patna is also directed to take pro-active steps for execution of his order dated 27th April, 2015.

10. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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