

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.19 of 2024**

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

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Md. Shahbuddin @ Shahbuddin SON OF LATE SHEIKH KAFEEL @ ABDUL QAFEEL RESIDENT OF VILLAGE- BELGACHHI, PS- AMOUR, DIST- PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. NOORCHASHMI BEGUM DAUGHTER OF LATE RAHEEL RESIDENT OF VILLAGE- BELGACHHI, PS- AMOUR, DIST- PURNEA
3. MD. AFTAB ALAM NATURAL GARDIAN THE MOTHER NAMELY NOORCHASHMI BEGUM RESIDENT OF VILLAGE- BELGACHHI, PS- AMOUR, DIST- PURNEA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Respondent/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 04-07-2024

Heard on admission.

2. Being aggrieved with the order dated 17.10.2023 passed by the learned Principal Judge, Family Court, Purnea in Maintenance Case No. 153 of 2017 under Section 125 of the Code of Criminal Procedure, whereby the learned Principal Judge directed the petitioner to pay maintenance of Rs. 3,000/- per month to the respondent No.2 i.e. wife of the petitioner and Rs. 2,000/- per month to the respondent No.3 i.e. son of the petitioner, the petitioner has preferred the present revision application.

3. At the time of argument, it is submitted by the learned counsel for the petitioner that since respondent No.2 is his wife, he is ready to pay her maintenance amount as awarded by the learned Principal Judge. So far as respondent No.3 i.e. son



of the petitioner is concerned, it is submitted by learned counsel that as of now the respondent No.3, who is son of the petitioner, is residing with petitioner, therefore, he is not entitled to get any maintenance from the petitioner on this ground only.

4. Taking note of the submission advanced by the learned counsel for the petitioner, this Court is of the view that the petitioner has got an alternate remedy under Section 127 of the Cr.P.C. for modification of the order granting maintenance on the ground of subsequent development as aforesaid.

4. In such view of the matter, this present revision application is disposed of at this stage itself reserving liberty to the petitioner to file an application under Section 127 of the Cr.P.C. before the learned Family Court, Purnea for modification of the impugned order looking to the subsequent development that the respondent No.3, son of the petitioner, is residing with the petitioner. On submission of such application, the concerned Family Court is directed to dispose the same in accordance with the rules and law.

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

(Arvind Singh Chandel , J)

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