

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.411 of 2021

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

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1. Pramod Tiwari S/O Sri Hari Shankar Tiwari R/O Village-Urda, P.S.-Chenari, District-Rohtas At Sasaram At Present Koha Basti Shakti Nagar, District-Sonebhadra (U.P).
 2. Pintu Tiwari @ Vinod Tiwari S/O Sri Hari Shankar Tiwari R/O Village-Urda, P.S.-Chenari, District-Rohtas At Sasaram At Present Koha Basti Shakti Nagar, District-Sonebhadra (U.P).
 3. Sushil Tiwari S/O Sri Hari Shankar Tiwari R/O Village-Urda, P.S.-Chenari, District-Rohtas At Sasaram At Present Koha Basti Shakti Nagar, District-Sonebhadra (U.P).
 4. Hari Shankar Tiwari S/O Late Ramanand Tiwari R/O Village-Urda, P.S.-Chenari, District-Rohtas At Sasaram At Present Koha Basti Shakti Nagar, District-Sonebhadra (U.P).
 5. Shanti Devi W/O Sri Hari Shankar Tiwari R/O Village-Urda, P.S.-Chenari, District-Rohtas At Sasaram At Present Koha Basti Shakti Nagar, District-Sonebhadra (U.P).

... .. Petitioners

Versus

1. The State of Bihar
2. Rekha Kumari (Devi) W/O Pramod Tiwari, And D/O Rajendra Panday R/O Village-Urda, P.S.-Chenari, District-Rohtas At Sasaram At Present Mohalla-Gajrarh, Gourakshani Gali No 2, P.S-Sasaram (Model), District-Rohtas At Sasaram.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Harendra Kumar, Advocate Mr. Raghunandan Kumar Singh, Advocate Mr. Harendra Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 15-07-2025 The present Criminal Revision Petition has been preferred by the petitioner against the impugned order dated 29.01.2021 passed by learned Additional Sessions Judge-III, Rohtas at Sasaram in Criminal Appeal No. 76 of 2018 whereby



learned Appellate Court has upheld the interim order dated 07.08.2018 passed by learned A.C.J.M.-III, Sasaram, Rohtas in Domestic Violence Case No. 03 of 2018 corresponding Trial No.790 of 2018 whereby learned A.C.J.M. has directed the petitioner not to do domestic violence against his wife and provide her residence and maintenance. Maintenance has been directed to be paid @ Rs.3,000/- per month.

2. Learned counsel for the petitioner states that the interim order by learned A.C.J.M. was passed *ex parte* in the absence of the petitioner herein. He also submits that the marriage between the petitioner and his wife, Rekha Devi has been already dissolved by *ex parte* divorce decree dated 31.05.2018 in Original Case No. 157 of 2017 under Section 13 of the Hindu Marriage Act.

3. Under such circumstances, the petitioner/husband should have moved the Court of learned A.C.J.M. for setting aside the *ex parte* order and alteration of the order in view of the new facts and circumstances, but instead of taking such step, the petitioner filed Criminal Appeal No. 76 of 2018 which was dismissed by the impugned order.

4. At this stage, learned counsel for the petitioner is seeking permission to withdraw the present petition so that he



can file appropriate application before learned A.C.J.M. for setting aside *ex parte* order and alteration of the order dated 07.08.2018 passed by learned A.C.J.M. in Domestic Violence Case No. 3 of 2018.

5. Accordingly, the present petition is dismissed as withdrawn with the aforesaid liberty as sought for.

6. L.C.R. is already received. Send it back to the court concerned forthwith along with a copy of this order.

(Jitendra Kumar, J.)

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