

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.633 of 2024

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

Daya Shankar @ Daya Shankar Kumar, S/o- Anuj Prasad Singh @ Anuj Prasad Village- Nardidih Ps- Nardiganj Dist- Nawada

... .. Petitioner

Versus

Puja Kumari D/o- Tripurari Singh, R/o- Naya Tola Ward no 10 Lakhisarai, behind K S S College, P.O. + P.S. Dist- Lakhisarai

... .. Respondent

Appearance :

For the Petitioner	:	Mr. Bijay Kumar Pandey, Advocate Mr. Mukesh Kumar, Advcoate
For the Opposite Party	:	Mr. Madhumay Madhup, Advocate Mr. Bibhuti Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 29-07-2025 The order dated 03rd July 2024 passed in Maintenance Case No. 565 of 2022 by the learned Principal Judge, Family Court, Lakhisarai is under challenge in the instant criminal revision.

2. The dispute relates to Court proceedings on 03rd February 2024. On that date, the petitioner in Maintenance Case No. 55 of 2022 was present along with one witness, namely, Tushar Singh. He was examined in chief. However, due to absence of the learned Advocate on behalf of the opposite party (the petitioner herein). the said witness was not cross-examined. The learned trial Judge fixed the case for cross-examination at 12:30 pm. The learned Advocate for the opposite party/petitioner prayed for adjournment by fixing another date



for cross-examination of the said witness. The witness stated that he is a teacher of a school and he came to the court taking leave from his duty, therefore, the trial court fixed the case for cross-examination of the said witness at 02:00 pm. The case was again called on at 02:30 pm but the learned Advocate on behalf of the opposite party was not present. At 03:15 pm, he made a wild allegation against the court that the court is biased and partisan, as in spite of his repeated prayer, the court was not adjourning the case. He demanded that the witness ought to be released for the day and another date be fixed for cross-examination of the said witness. The trial court, however, did not accede to the demand of the learned Advocate for the opposite party/petitioner herein which led him to file an application before the court below on 02nd May, 2024 and also on 03rd February, 2024. The said application was disposed of by the trial court on 03rd July 2024, holding, *inter alia*, that the said witness had already been cross-examined at length and sufficient opportunity was given to the opposite party.

3. Since the proceeding under Section 125 of the CrPC is required to be disposed of in a summary procedure, the learned Trial Judge did not want to allow the petitions dated 03rd February 2024 and 02nd May 2024 and directed the case to be



proceeded with. The said order dated 03rd July 2024 is under challenge in the instant criminal revision. The series of orders passed on 03rd February 2024 suggests the ways and means by which a section of Trial Court Advocates resists the Presiding Officer from disposing of a proceeding at an early date. Whenever any firm order is passed, the concerned officer is castigated with allegations of bias and partisanship. It appears from the order dated 03rd July 2024 that the witnesses had already been cross-examined at length, and sufficient opportunities were given to the opposite party/petitioner.

4. I am not in a position to disbelief such observation made by the trial court. In view of such circumstances, I do not find any reason to interfere against the order passed on 03rd July, 2024.

5. With the aforesaid order, the instant criminal revision is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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