

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.977 of 2024

Arising Out of PS. Case No.-193 Year-2014 Thana- AAJAM NAGAR District- Katihar

Md Muzaffar Alam S/O Sajid Hussain Vill.- Nemoul, P.S.- Azamnagar,
District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khuleka Ahmedi, W/O Md. Muzaffar Alam, D/O Md Gayasuddin Vill.-
Nemoul, P.S.- Azamnagar, District - Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar, Advocate Mr. Abhishek Anand, Advocate Mr. Sristy Patel, Advocate Mr. Roy Birendra, Advocate
For the O.P. No. 2	:	Mr. Bimal Kumar, Advocate
For the Respondent/s	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 30-07-2025 The petitioner has approached this court challenging an order dated 03rd September, 2024 passed in Miscellaneous Case No. 07/2020 filed by the opposite party no. 2 for the execution of the order of maintenance passed in Maintenance Case No. 1112 of 2014 on 04th December 2019.

2. While disposing of Maintenance Case No. 1112 of 2014, the learned Additional Principal Judge, Family Court at Katihar, granted maintenance allowance in favor of the opposite party/wife at the rate of Rs. 5,000 per month from the date of filing the application. It was also directed that the opposite party/husband is entitled to get adjustment of any payment made



as interim maintenance, and the amount of maintenance shall be paid within the 10th of each succeeding month.

3. Subsequently, the petitioner filed Miscellaneous Case No. 07/2020 for realization of arrear maintenance from the date of filing the application till the date of filing the miscellaneous case. It is stated by the opposite party that the application for maintenance was filed on 15th September 2014, and till 30th September 2024, the total arrear maintenance amounts to Rs. 5,15,000/- (Five lakhs fifteen thousand). Out of the said amount, the petitioner paid only Rs. 18,000/-, and an amount of Rs. 4,35,000/- (Four lakh thirty-five thousand) remains due. Therefore, the learned Principal Judge, Family Court at Katihar, directed the District Programme Officer, Establishment at Katihar, to deduct a sum of Rs. 20,000/- towards arrear maintenance and Rs. 5,000/- towards current maintenance, totaling Rs. 25,000/-, from the salary of the petitioner and deposit the same to the account of the opposite party/wife.

4. The said order is under challenge on the ground that the opposite party had previously filed a case under Sections 323, 324, 341, 342, and 498A of the IPC. In Criminal Miscellaneous Case No. 11865 of 2015, dated 31st July 2015, a



Co-ordinate Bench of this Court granted anticipatory bail to the petitioner on the condition that the petitioner would deposit a sum of Rs. 1,500 per month from September 2015.

5. It is submitted by the learned Advocate for the petitioner that he has already paid Rs. 1,98,500/- (one lakh ninety-eight thousand and five hundred) as per the direction of the Co-ordinate Bench of this Court in Cr. Misc. No. 11865 of 2015, and the said amount is required to be adjusted against the arrear maintenance. However, the trial court failed to adjust the said amount and also failed to calculate the arrear maintenance correctly.

6. Without going into the issue regarding the calculation of arrear maintenance, this Court, on the face of the record, finds that the trial court did not adjust a sum of Rs. 1,98,500/- against the arrear maintenance in Miscellaneous Case No. 07 of 2020. If the said amount had been adjusted, the arrear maintenance would have been lowered down. The learned Advocate on behalf of the petitioner also prays for modification of the obligation to deduct a sum of Rs. 25,000/- per month, considering the financial condition and liabilities of the petitioner.

7. Since, on the face of the record, it appears that in



Miscellaneous Case No. 07/2020, the learned trial Judge failed to grant adjustment of the amount which the petitioner had already paid, the impugned order is liable to be set aside. Accordingly, the impugned order dated 03rd September 2024 passed in Miscellaneous Case No. 07/2020 is set aside. The instant criminal revision is allowed.

8. Further, the learned Principal Judge, Family Court at Katihar, is directed to take up a fresh hearing of Miscellaneous Case No. 07/2020 in the presence of the learned counsel for both parties, recalculate the arrear maintenance in the light of the observations passed hereinabove, and thereby fix the installment to be deducted from the salary of the present petitioner.

9. The parties are further directed not to take unnecessary adjournments in the trial court at the time of hearing of the Miscellaneous Case No. 07/2020.

10. Accordingly, the instant criminal revision is thus, disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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