

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.848 of 2025

Arising Out of PS. Case No.-465 Year-2023 Thana- COMPLAINT CASE - MOHANIA
District- Kaimur (Bhabua)

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Guddu Sharma Son of Late Daddan Sharma, Resident of Village- Umapur,
PO- Umapur, PS -Bhagwanpur, Distirct -Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar
2. Anshu Sharma wife of Guddu Sharma Resident Of Village- kallan, Po-
Thakura, Ps- Ramgarh, Dist- Kaimur (Bhabua)
3. Vimla kuer Wife of Late Daddan Sharma Resident Of Village- Umapur Ps
-Bhagwanpur Distirct -Kaimur Bhabhua
4. Vikashh Sharma Son of Late Daddan Sharma Resident Of Village- Umapur
Ps -Bhagwanpur Distirct -Kaimur Bhabhua
5. Rani Sharma Wife of vikash sharma Resident Of Village- Umapur Ps
-Bhagwanpur Distirct -Kaimur Bhabhua
6. Ashok Sharma son of Late Ramjee Sharma Resident Of Village- Umapur Ps
-Bhagwanpur Distirct -Kaimur Bhabhua
7. Babban Sharma son of Late Ranjee Sharma Resident Of Village- Umapur Ps
-Bhagwanpur Distirct -Kaimur Bhabhua
8. Bablu Sharma son of Ashok sharma Resident Of Village- Umapur Ps
-Bhagwanpur Distirct -Kaimur Bhabhua
9. Aditya Sharma son of Late Rajvvansh Sharma Resident Of Village- Umapur
Ps -Bhagwanpur Distirct -Kaimur Bhabhua

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Abhash, Advocate
For the Respondent/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 06-07-2026

Heard learned counsel for the parties.

2. The present criminal revision petition has been
filed by the petitioner challenging the order dated 16.06.2025
passed by the learned Additional Sessions Judge-IX, Kaimur at
Bhabhua in Criminal Appeal No. 13 of 2024, whereby and



whereunder the learned Appellate Court dismissed the criminal appeal and upheld the order dated 05.04.2024 passed by learned Judicial Magistrate 1st Class, Sub-Divisional Court, Mohania, Kaimur in Complaint Case No. 465 of 2023. The learned Judicial Magistrate 1st Class allowed an amount of Rs. 1,500/- as monthly interim maintenance to the opposite party no. 2 who is the wife of the petitioner.

3. Learned counsel appearing on behalf of the petitioner vehemently contends that the order has been passed without any regard to the income of the petitioner. Neither the learned Judicial Magistrate nor the learned Appellate Court took into consideration the fact that there was no material on record showing income of the petitioner. The petitioner has been keeping his children with himself and taking care of their maintenance and education. But this fact was not considered by the learned Appellate Court or the learned trial Court. Learned counsel also submits that the opposite party no. 2 is having a regular income from teaching.

4. I have perused the record.

5. From perusal of record I find that the learned Judicial Magistrate 1st Class, passed an order for grant of monthly interim maintenance at the rate of Rs. 1,500/- to the



opposite party no. 2 by directing the petitioner. Now, Section 23 of The Protection of Women from Domestic Violence Act, 2005 provides for power of the Court to grant interim and ex parte orders. The provision reads as under:

“(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.”

6. From the bare perusal of the provision it is clear that on satisfaction of the Magistrate that the application filed by the aggrieved person *prima facie* discloses an act of domestic violence by the respondents or there is even a likelihood of the same, the learned Magistrate can pass an ex parte order on the basis of affidavit in such case. The same provision also provides for passing of any such interim orders as may deem fit and proper by the learned Magistrate in a proceeding before him. These interim orders could be passed by the learned Judicial Magistrate and these interim orders could also be in the nature of ex parte order. The reading of the provision makes it clear



that no evidence is required to be considered by the learned Magistrate before passing the order for interim maintenance. In the same vein, there is no requirement of appearance of the respondent or adducing evidence by the respondent for passing of an interim order.

7. Therefore, considering the transient nature of the order of the interim maintenance which has been assailed by the petitioner in the Appellate Court and thereafter by way of revision in this Court, I find no legal infirmity in the order of the learned Appellate Court as well as the Court of learned Judicial Magistrate 1st Class.

8. Accordingly, finding no merit in the present revision petition the same is dismissed.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
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