

(2011) 03 JH CK 0207

In the Jharkhand High Court

Case No : Criminal Revision No. 503 of 2001

Bhim Chandra Murmu

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-03-2011

Acts Referred:

Citation : (2011) 03 JH CK 0207

Hon'ble Judges : Bhagwati Prasad, C.J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Bhagwati Prasad, C.J.—Heard learned Counsel for the Opposite parties.

2. None appeared for the Petitioner. The case was earlier called on 25.3.2011. On that date none appeared for the Petitioner. It was mentioned that the case will be taken up on Monday(28.3.2011). However, on Monday, the case could not be taken up. Today, when the case was called out, counsel for the Petitioner was again absent. This shows the indifferent attitude of the counsel for the Petitioner in prosecuting his case.

3. This is a case where maintenance is involved and when the counsel for the Petitioner has failed to appear inspite of repeated calls and earlier adjournment, there is no way out than to proceed ex parte.

4. The facts of the case in the present revision petition was looked into with the assistance of the counsel for the opposite parties. From the perusal of the judgment of the trial court, it is found that the Petitioner had been negligent in prosecuting his case even before the trial court. Despite order of ex parte the Petitioner has not been able to produce any witness before the trial court. In that view of the matter, the trial court has proceeded to decide the merit of the case only on the evidence of the wife. The trial court has held on the basis of evidence of wife, which was un rebutted, that there was marriage and husband is neglecting to maintain the wife and her daughter. Since there was no evidence

on rebuttal, there was no way out for the trial court than to accept the evidence of the wife-Applicant before the trial court.

5. The perusal of the order shows that the trial court has gone in detail and discussed the evidence in detail. No infirmity is seen while going through the order, which is supported by the evidence on record. In that view of the matter, it cannot be said that the trial court has committed any illegality which is required to be cured in the Criminal Revision.

6. In that view of the matter, the revision is held meritless and hence dismissed.