

(2021) 06 PAT CK 0093

In the Patna High Court

Case No : Criminal Miscellaneous No. 70565 Of 2019

Shivendu Bhushan Jha @ Kanchan Jha

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 23-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 125

Citation : (2021) 06 PAT CK 0093

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Surendra Kishore Thakur, Rajendra Nath Jha, Ashok Kumar Jha

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner; Mr. Rajendra Nath Jha, learned Additional Public Prosecutor (APP) for the State and Mr. Ashok Kumar Jha, learned counsel for the opposite party no. 2.
3. The present application has been filed seeking modification of order dated 03.05.2019 passed in Cr. Misc. No. 3571 of 2015 by which the petitioner was directed to pay Rs. 4,000/- per month interim maintenance.
4. Learned counsel for the petitioner had taken a stand that in the present case, the petitioner was paying Rs. 4,000/-, but because in an application filed by the opposite party no. 2 under Section 125 of the Code of Criminal Procedure, 1973, by order dated 10.07.2015, the Principal Judge, Family Court, Sitamarhi had awarded monthly maintenance of Rs. 4,000/- per month, resulting in confusion as to whether Rs. 4,000/- awarded by the Family Court was in addition to Rs. 4,000/- per month directed to be paid in terms of

order dated 03.05.2019 in Cr. Misc. No.3571 of 2015.

5. The matter was adjourned on a number of occasions and finally on 07.04.2021, learned counsel for the petitioner had taken two weeksâ?? time to make up-to-date payment as per the order dated 03.05.2019.

6. Today, learned counsel for the petitioner submitted that pursuant to the same, Rs. 1,50,000/- has been deposited in the account of the opposite party

no. 2. The same is not denied by learned counsel for the opposite party no. 2.

7. Learned counsel for the petitioner submitted that because he is currently out of job and in view of the prevailing circumstances, with regard to the

remaining outstanding amount which would come to about Rs. 1,00,000/-, three monthsâ?? time be granted and thereafter he submitted that it is

undertaken by the petitioner that he shall ensure that the monthly payment of Rs. 4,000/- per month would be paid to the opposite party no. 2 by the

7th of the following month till the time the order of learned Principal Judge, Family Court, Sitamarhi remains in operation.

8. Learned counsel for the opposite party no. 2 takes a reasonable stand and submitted that in view of the circumstances prevailing, the Court may

take a view in the matter. However, he prayed that the Court may direct the petitioner in strict terms so that he does not commit default in his

undertaking given before the Court today.

9. Having considered the matter, the applications stands disposed off in the following agreed terms.

10. The order dated 03.05.2019 passed in Cr. Misc. No. 3571 of 2015 stands clarified to the extent that the payment of Rs. 4,000/- per month shall be

made by the petitioner to the opposite party no. 2 pursuant to both the order dated 03.05.2019 as also the order dated 10.07.2015 passed by the

Principal Judge, Family Court, Sitamarhi in Maintenance Case No. 161 of 2014, till the time the said order is subsisting. The petitioner, in terms of his

undertaking, shall ensure that the arrears along with current amount, till September, 2021, shall be credited into the account of Â the opposite party no.

2, latest by 7th October, 2021. Thereafter, the petitioner shall also ensure that payment for the subsequent months shall be credited into the account of

the opposite party no. 2 latest by 7th of the following months.

11. It is made clear that the aforesaid clarification has been made in view of the undertaking given by the petitioner before the Court, as recorded

above, and any violation of the same shall entail strict consequences for the petitioner.