

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.20981 of 2007

Santosh Kumar Maurya, Son of Parsuram Maurya, Resident of Bhirgu Ashram, Shashtri Park, Bear Balia, P.S. Balia, Dist. Balia, U.P.

----- Petitioner

Versus

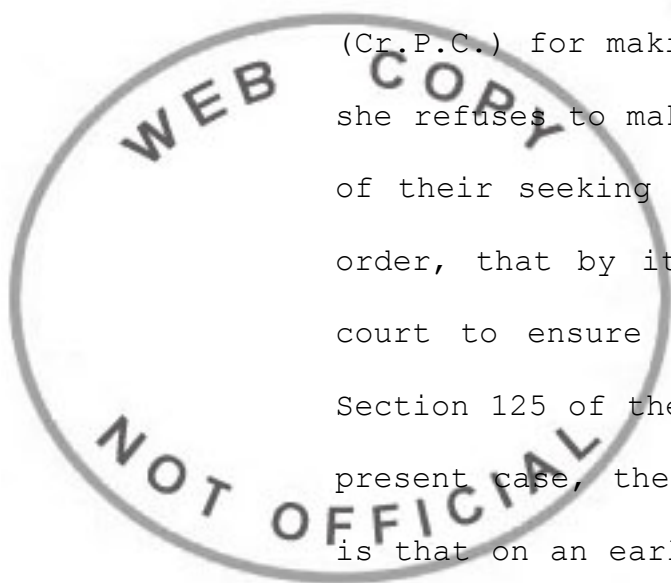
1. State of Bihar.

2. Sawita Devi, Daughter of Ramasish Singh, Mohalla Fazalganj, P.S. Sasaram, Dist. Rohtas.

----- Opposite Parties

4 29.1.2010 Heard learned counsel for the petitioner and counsel for the State as also counsel for the opposite party no.2.

In the opinion of this Court, when a person against whom an order is passed under Section 125 of the Code of Criminal Procedure (Cr.P.C.) for making certain payment and he or she refuses to make such payment on the ground of their seeking judicial remedy against that order, that by itself will give power to the court to ensure that the order passed under Section 125 of the Cr.P.C. is complied. In the present case, the only plea of the petitioner is that on an earlier occasion, when the order for maintenance was passed against him directing him to pay a sum of Rs. 10,000/- per month to the wife-opposite party no.2 and the petitioner did not pay the amount the court below could not have directed for personal



appearance when the petitioner had also filed miscellaneous case purportedly under Section 126(2) of the Cr.P.C. before the same court.

In the opinion of this Court, such order passed by the court below does not suffer from any infirmity so as to be interfered by this Court as the court granting maintenance has also power to recover the same and if for that purpose the petitioner has been asked to appear personally now flaw can be found in the same.

Accordingly, this application is wholly misconceived and the same is hereby dismissed.

Rsh

(Mihir Kumar Jha, J.)

