

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.997 OF 2014  
(ARISING OUT OF SLP (CRL.) NO.4358 OF 2013)

RUBY BEGUM AND ANR. .. APPELLANTS

VERSUS

STATE OF BIHAR AND ANR. .. RESPONDENTS

## O R D E R

Leave granted.

This appeal arises out of an order passed in a petition under Section 125 Cr.P.C. filed by appellants before the Principal Judge, Family Court, Madhubani, Bihar in M.R. No.14 of 2001; the prayer of the appellants was allowed by the Family Court and the second respondent was directed to pay maintenance at the rate of Rs.500/- per month to both the appellants.

Vide impugned Order dated 16th August, 2012 High Court of Judicature at Patna in Criminal Appeal No.448 of 2007 observed that the Family Court has not decided all the issues and remitted the matter to the Family Court for fresh decision.

Learned counsel for the second respondent-husband while defended the case, has not disputed that the first appellant is the wife and second appellant is the minor daughter of the second respondent. In that view of the matter, while we are not inclined to interfere with the substantive part of the order, we direct the second

respondent to pay a sum of Rs.5,000/- within one month to enable the appellants to meet the expenses of the litigation.

Family Court is directed to expedite the hearing and pass appropriate order relating to interim maintenance/ maintenance in favour of the appellants- wife and minor daughter.

The Order dated 16th August, 2012 passed by the High Court of Judicature at Patna stands modified to the extent above.

It is made clear that if the second respondent does not pay the amount of Rs.5,000/- within the period stipulated by this Court then in such case, the order passed by the High Court shall stand quashed and the order of maintenance passed by the Family Court shall stand revived.

The appeal stands disposed of with aforesaid observations and directions.

.....J.  
(SUDHANSU JYOTI MUKHOPADHAYA)

