

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3059/1999  
(From the final judgment and order dated 23.7.1999 of the High Court  
of Judicature at Patna in Criminal REvision No. 36 of 1994)

ARUN K. AMAN

Petitioner (s)

VERSUS

SANJANA KUMARI & ORS Respondent (s)  
( With Appln(s). for stay & urging addl. grounds & exemption from  
filing O.T. ) ( For Final Disposal )  
( With Office Report )

Date : 10/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE D.P. MOHAPATRA

For Petitioner (s) Mr. M.P. Verma, Sr. Adv.  
Mr. Prabhash K. Yadav, Adv  
Dr. Krishan Singh Chauhan, Adv.

For Respondent (s) Mr. R.C. Kohli, Adv.

rr-3 Ms. Rekha Pandey, Adv.  
Ms. Anil Katiyar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....J  
.SP2

Leave granted.  
Appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)  
Court Master

(Meena Trikha)  
Court Master

Signed order is placed on the file

.PA  
.....L.....I.....J  
.PL55

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO..974..OF 2000@@  
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(Arising out of Special leave petition(Crl.) No.3059 of 1999)

Arun Kumar Aman

..Appellant

Versus

Ms. Sanjana Kumari & Ors.

..Respondents

O R D E R@@  
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.SP2

Leave granted.

Against an order made under Section 125 of the Code of Criminal Procedure rejecting the application for maintenance a Revision petition was preferred to the High Court. The High Court re-examined the matter afresh and came to a conclusion that the appellant is liable to pay the maintenance and allowed that application. It is brought to our notice by an application filed herein that the appellant is not the father of the children nor does he have any matrimonial relationship with the respondent and in the circumstances he is not liable to pay any maintenance either towards the alleged wife or the children and he relies upon certain documents produced before this Court. It is very difficult for us to examine the material placed before us and give a finding one way or other. The proper course for us would be to

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set aside the order made by the High Court and remit the matter to the trial Court for fresh consideration in accordance with law. Appeal is allowed accordingly.

.SP2

.....J  
(S. RAJENDRA BABU)

.....J  
(D.P. MOHAPATRA)

New Delhi.  
November 10, 2000.