

Sanjay Kumar Vs. the State of Jharkhand and Others

Sanjay Kumar Vs. the State of Jharkhand and Others

SooperKanoon Citation : sooperkanoon.com/917650

Court : Jharkhand Ranchi

Decided On : May-16-2011

Judge : D.K. Sinha

Acts : Code of Criminal Procedure (CrPC) (Cr.P.C) - Section 125(3); Indian Penal Code

Appeal No. : Cr.M.P. No.602 of 2010

Appellant : Sanjay Kumar

Respondent : The State of Jharkhand and Others

Judgement :

1. 8/ 16.5.2011 Instant interlocutory application has been filed on behalf of the petitioner Sanjay Kumar with the prayer for quashing/setting aside of the order dated 14.2.2011, by which the learned Principal Judge, Family Court, Ranchi directed for attachment of the salary of the petitioner under Section 125(3) of the Code of Criminal Procedure for not making payment of ad interim maintenance to the opposite party Nos. 2 and 3 of the main petition except that only a sum of Rs.10,000/- was paid towards arrears. I find from the perusal of the order dated 14.2.2011, recorded by the learned Principal Judge, Family Court, Ranchi that by the order dated 4.3.2010, petitioner was directed to make payment of Rs.3000/- per month each to the opposite party Nos. 2 and 3 being wife and minor daughter total a sum of Rs.6000/- and Rs.5,000/- in lump sum being the litigation cost, but the Principal Judge observed that his order was flouted. The petitioner was an

Assistant Teacher in the Government Primary School, Jobla near Kuju within the revenue district of Ramgarh and his income was assessed Rs.20,000/- per month.

2. From perusal of the entire order dated 14.2.2011, I do not find any illegality or irregularity therein.

3. Learned counsel, appearing on behalf of the petitioner, submits that lenient view may be taken by vacating the order, by which salary of the petitioner has been attached because the petitioner has to take care of his ailing mother and that on account of financial constraints, he could not pay the ad interim monthly maintenance to his wife and daughter within time, yet, he is inclined to pay the arrears in instalment and to keep his wife and daughter with him with all humility and honour.

4. Heard the learned counsel appearing on behalf of the opposite party Nos. 2 and 3.

5. Having regard to the facts and circumstances of the case, attachment of the salary of the petitioner Sanjay Kumar by order dated 14.2.2011 shall be put in abeyance till further order, subject to payment of Rs.50,000/- in lump sum positively by 16th of June, 2011, failing to which appropriate order shall be passed against him. The petitioner is directed to deposit the said amount before the Principal Judge, Family Court, Ranchi in Maintenance Case No.75/2009 with the liberty to the opposite party No.2 to receive the amount on her behalf and on behalf of her minor daughter opposite party No.3 herein. Accordingly, I.A. No.907 of 2011 stands disposed of.

(Cr.M.P. No.602 of 2010)

6. Let this petition be put up on 20 th of June, 2011 facilitating the parties for reconciliation.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com