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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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CRL.M.C. 3580/2014

SMT SUNITA

..... Petitioner

Represented by: Mr.Gurmeet Singh, Adv with  
petitioner in person.

versus

STATE AND ANR

..... Respondents

Represented by: Mr.Izhar Ahmad, APP for the  
State with SI Ashish, PS  
Mandawali, Delhi in person.  
Mr.Sandeep Singh, Adv for R2  
with R2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KAIT**

**ORDER**

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**29.09.2015**

**Crl.M.A.No.8018/2015 (for revival)**

1. Vide instant application, applicant/petitioner seeks recalling of the order dated 21.04.2015 and revival of the main petition filed by her.

2. Vide order dated 18.06.2014, respondent No.2 was admitted on bail by recording the facts that he surrendered on 04.06.2014 and on 05.06.2014 he was sent to judicial custody. Keeping in view the period of custody, learned Additional Sessions Judge vide order dated 18.06.2014 enlarged the respondent No.2 on bail.

3. Petitioner filed the Crl M.C.No.3580/2014 on the ground that in the second bail application, respondent No.2 concealed the fact that

his former bail application was rejected on 04.06.2014 itself.

4. It is not in dispute that said application was moved on the first date when he surrendered before the Court, which was declined and accordingly, respondent No.2 was sent to custody. The said application was for the purpose that he would not be sent to judicial custody, however the said application was dismissed and thereafter, he moved the application which was allowed by learned Additional Sessions Judge vide order dated 18.06.2014 after respondent No.2 had undergone 14 days in custody.

5. It is pertinent to mention here that on 21.04.2015 when instant petition was listed before this Court, respondent No.2 was present in the Court and stated that he will pay an amount of Rs.20,000/- to petitioner within a period of one week and remaining maintenance amount shall be cleared within a period of four months.

6. There is no denial to the fact that respondent No.2 has not paid said amount of Rs.20,000/- and till date no maintenance amount has been paid.

7. Respondent No.2 is personally present in the Court today and has brought an amount of Rs.12,000/-, which has been given to learned counsel for petitioner.

8. It is also not in dispute that petitioner has filed execution petition for realisation of the maintenance amount, which is still

pending. The petitioner is at liberty to press her execution petition before learned Trial Court and seek recovery of maintenance amount from respondent No.2, in accordance with law.

9. In view of facts recorded above, I am not inclined to pass any further orders in the matter, which is accordingly dismissed.

**SURESH KAIT, J**

**SEPTEMBER 29, 2015**

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*CRL.M.C. 3580/2014*

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