

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.273 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUNGER

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Ratan Singh, son of Hariom Singh, resident of village-Halimpur, P.S.-Naya Ramnagar, District-Munger, at present working as Helper 2, Bhagalpur Railway, Eastern Railway, Bhagalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Amrita Singh, wife of Ratan Singh, daughter of Shri Shambhoo Sharan Singh, resident of village-Madhapur, P.O.-Basudeopur, P.S.-Kotwali, District-Munger.
3. Master Astilwa (Minor), son of Ratan Kumar Singh @ Ratan Singh, through Smt. Amrita Singh, resident of village-Madhapur, P.O.-Basudeopur, P.S.-Kotwali, District- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Renuka Sharma No.2, Advocate

For the Respondent/s : Mr. Indu Bhushan, Advocate

APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT

Date: 18-02-2015

1. The parties are personally present in the Court.

There appears no chance of them being able to resume their matrimonial relationship.

2. The Petitioner seeks revision of the order dated 03.01.2012 passed by the Principal Judge, Family Court, Munger, in Maintenance Case No.32-M of 2011 by which he has allowed ₹4,000/- each to the Opposite Party No.2 and their child.

3. It has been submitted on behalf of the Petitioner that he gets only 10,000/- in hand on account of loan that he had taken for payment of ransom for his kidnapped sister. He has also

produced the pay slip concerned.

4. On asking the Opposite Party No.2 categorically states that she will not live with the Petitioner nor is she ready to divorce him.

5. The history of their marriage is that the Petitioner submits that he was kidnapped for the purpose of marriage on a misconception that he was highly placed in the railway even though he belongs to parents, who come within the BPL category, and he himself was the 4th grade employee. Naturally, there was incompatibility between the spouses on account of wide economic difference between them. When the Opposite Party No.2 left him, he filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Some kind of temporary arrangement was made at the behest of the Court but to no avail. In the meanwhile, the Opposite Party No.2 filed a case under Section 498-A Indian Penal Code in which he and his father were behind the bar for a long period.

6. It appears that the Opposite Party No.2 has not made out any reasonable cause for not living with the Petitioner. In such circumstances, evidently the application filed under Section 125 Cr. P.C. should not have been allowed by the Court below.

7. In view of such, I am inclined to set aside part of

the order dated 03.01.2012 passed by the Principal Judge, Family Court, Munger, in Maintenance Case No.32-M of 2011 by disallowing maintenance to the Opposite Party No.2.

8. With the aforesaid modification, the application stands disposed off.

(Anjana Prakash, J)

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