

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.647 of 2014

=====

Rajesh Kumar @ Rajesh Choudhari, Son of Jai Kishun Ram R/o Village
Sukahara Dehri P. S. Karkat, District Rohtas

.... Petitioner/s

Versus

1. State of Bihar
2. Usha Devi wife of Rajesh Kumar alias Rajesh Chaudhari D/o Ramjee Chaudhari, Village Pawna, District Bhojpur
3. Priti Kumariji under the guardianship of mother, Usha Devi daughter of Ramjee Chaudhari, Village Pawna, P. S. Pawna Dist-Bhojpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary
For the Opposite parties : Mr. Aditya Narain Singh No.1
Mr. Rama Kant Singh, Advocates
For the State :- Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 21-12-2016

Heard learned counsel for the parties.

This criminal revision application has been filed against an order, dated 18.10.2013, passed by learned Principal Judge, Family Court, Bhojpur at Ara in Misc. Case No. 206 of 2008 in a proceeding under Section 125 of the Code of Criminal Procedure, 1973(hereinafter referred to as the **Code**), whereby he has directed payment of maintenance amount at the rate of Rs. 5,000/- (five thousand) per month to Opposite party No.2 and at the rate of Rs. 2000/-(two thousand) per month to Opposite party No.3. In addition, a sum of Rs. 50,000/- (fifty thousand) has been directed to be paid on the ground that on the basis of suppression of fact, the petitioner had deprived the Opposite party from



maintenance.

2. The sole ground, which has been taken to assail the impugned order is that admittedly the Opposite party No.2 is in position to maintain herself since she is working as Panchayat Teacher, which fact had wrongly been disputed before the Court below and the Court below, despite there being observation by this Court in the order dated 20.06.2012, passed in Criminal Revision No. 1192 of 2011 that Opposite party No.2 is working as Panchayat Teacher, the Court below held that she did not have any source of income and at least this could not be proved by the petitioner before the Court below.

3. Learned counsel appearing on behalf of Opposite party No.2 does not dispute that the Opposite party No.2 is working as Panchayat Teacher and she is receiving salary on regular basis. In view of this admitted fact and the observation made by this Court, in the order, dated 20.06.2012, the order passed by the learned Principal Judge, Family Court, whereby maintenance amount at the rate of Rs. 5,000/- per month has been awarded in favour of Opposite party No.2 cannot be sustained. Said part of the order, is accordingly, set aside.

4. So far as maintenance of Opposite party No.3 is concerned, who is daughter of the petitioner, I do not find any



reason to interfere with the same.

5. It is, however, indicated that the Opposite party No. 3 shall be at liberty to apply for enhancement of the said maintenance amount before the Court below in accordance with law.

6. The part of the order, whereby the petitioner has been directed to pay a sum of Rs. 50,000/- also cannot be sustained since the very basis of the said order that Opposite party No.2 did not have any source of income has been found to be incorrect.

7. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

