

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.117 of 2016

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1. Santosh Kumar, Son of Shri Shyam Nandan Singh, resident of Village- Bhowar Bigha, P.S.- Parasbigha, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Rajmani Devi @ Sangita, Wife of Santosh Kumar, daughtr of Shri Hari Narayan Yadav, resident of Village- Pandey Chak, P.S.- Shakurabad, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Respondent/s : Mr. Anil Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 25-04-2017 Heard learned counsel for the parties.

2. The petitioner is husband of Opposite party No.2. In exercise of power under Section 125 of the Code of Criminal Procedure, 1973, he has been directed to pay a sum of Rs. 2500/- to Opposite party No.2 as monthly maintenance allowance with effect from the date of filing of application. Arrears have been directed to be paid within 10 equal monthly installments.

3. Learned Counsel appearing on behalf of the petitioner has made two submissions. He has firstly submitted that the petitioner was a minor as on the date of marriage in the year 2007. He has secondly, submitted that as on today, the petitioner is suffering from such ailment that he cannot even maintain himself



and he is, therefore, unable to maintain the Opposite party No.2. It has also been argued that the petitioner is pursuing his B.A. final year course.

4. This is apparently not in dispute that the petitioner is young, hale and hearty and he is obliged to maintain his wife. The amount which has been awarded by the Court below cannot be said to be excessive. The plea that the petitioner is suffering from ailment was not taken before the Court below.

5. Learned Counsel appearing on behalf of the petitioner has submitted that the ailment developed after passing of the order by the Court below. If that be so, the petitioner will be at liberty to apply before the Court below for alteration of the maintenance allowance invoking Section 127 of the Code of Criminal Procedure, 1973.

6. So far payment of arrears are concerned, I am of the considered view that instead of 10 equal monthly installments, the same must be paid to Opposite party NO.2 in 20 equal monthly installments.

7. This application stands disposed of with the above observations and directions.

(Chakradhari Sharan Singh, J)

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