

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.82 of 2015

=====

1. Santosh Rai, S/O Late Umesh Rai, Resident of vill-Shokahara, P.S-
Phulwaria, Distt.-Begusarai Petitioner/s

Versus

1. The State of Bihar
2. Sangita Devi, Wife of Santosh Rai, D/O Balmiki Singh, At present
Residing at Mathurapur, Purbari Tola, P.S-Teghra, Distt.-Begusarai
.... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr. T. N. Thakur (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 07-03-2017

I. A. NO. 168 OF 2015

I. A. No. 168 of 2015 has been filed by the appellants, under Section 5 of the Limitation Act, seeking condonation of delay of about two months in preferring the present application.

Having considered the reasons assigned in the present petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring the present criminal revision application within time.

In view of the above, the delay, in preferring the application, is hereby condoned.

I.A. No. 168 of 2015 stands disposed of.

CRIMINAL REVISION NO. 82 OF 2015

Heard learned Counsel for the petitioner and



learned Additional Public Prosecutor representing the State.

By order, dated 22.08.2014, learned Principal Judge, Family Court, Begusarai, has allowed monthly maintenance allowance at the rate of Rs. 3,000/- per month, payable to Opposite Party No. 2, who is, admittedly, wife of the petitioner.

Upon perusal of the impugned order, I find that the learned Court below found that the petitioner earns Rs. 1,000/- per day from his business and Rs. 50,000/- per year from agriculture.

Learned Counsel appearing on behalf of the petitioner has argued that the petitioner is not in a position to pay the amount of Rs. 3,000/- per month considering his financial condition.

However, on perusal of the impugned order, I find that the conclusion arrived at by the learned Court below as regards petitioner's capacity to pay cannot be said to be erroneous. The payment of Rs. 3,000/- as maintenance allowance cannot be said to be excessive.

I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

