

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.406 of 2015

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

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Harish Chandra Mandal, son of Sumrit Mandal, resident of village Dahiara, Police Station Hathauri (Shivajee Nagar), District Samastipur

.... Petitioner

Versus

1. The State of Bihar
 2. Lal Muni Devi, wife of Harish Chandra Mandal
 3. Radha Kumari, daughter of Lal Muni Devi
- 2 and 3 are resident of village Dahiara, Police Station Hathauri (Shivajee Nagar), District Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Kishore Kumar Thakur
Mr. Rajesh Kumar
For the Respondent/s : Mr. Manoj Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 02-05-2017

I. A. No. 844 of 2015

I.A. No. 844 of 2015 has been filed by the petitioner, under Section 5 of the Limitation Act, seeking condonation of delay of 70 days in preferring the present criminal revision application.

2. 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 application within time.

3. In view of the above, the delay of 70 days, in preferring the present criminal revision application, is hereby condoned.

4. I.A. No. 844 of 2015 stands disposed of.

CRIMINAL REVISION NO. 406 OF 2015

5. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

6. The petitioner is, admittedly, the husband of Opposite Party No. 2. The Opposite Party No. 3 is their minor daughter. The petitioner has preferred this criminal revision application, being aggrieved by an order, dated 20.01.2015, passed by learned Principal Judge, Family Court, Samastipur, in Maintenance Case No. 45 of 2014/556 of 2014, whereby the petitioner has been asked to pay a sum of Rs. 3,500/- for Opposite Party No. 2 and Rs. 500/- for Opposite Party No. 3, towards their monthly maintenance allowance.

7. Learned Counsel appearing on behalf of the petitioner has submitted that the petitioner does not have sufficient income to part with a sum of Rs. 4,000/- for his wife and his minor child, since he is working as Driver in Delhi. It is his case that since the Opposite Party Nos. 2 and 3 are living in the matrimonial house, no maintenance ought to have been allowed by the Court below.



8. I do not find any merit in this application for more than one reason. Firstly, the petitioner is undeniably not living with Opposite Party No. 2 and that the petitioner has failed to maintain her.

9. These facts are not in dispute. The petitioner is said to be living in Delhi and working as Driver.

10. The award of maintenance at the rate of Rs. 4,000/- per month for two persons, i.e. the wife of the petitioner and their minor daughter, cannot be said to be excessive by any stretch of imagination.

11. This application has absolutely no merit and it is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.05.2017
Transmission Date	14.05.2017

