

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.539 of 2016

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Anil Kumar Sinha, son of Late Shakti Prasad, resident of village Bishunpura Patti, P.O. + P.S. – Sahebganj, District – Muzaffarpur, at present Assistant Manager (Process) Projects Development India Ltd., Western Region Office PDIL Bhawan, Samtachar Rasta, Sumanpura, Barodara, Gujarat, Pin Code – 390 023.

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Hemlata Sinha, wife of Anil Kumar Sinha, resident of Mohalla Belisaray, in front of Zila School Hostel, P.S. Town Thana Motihari, District – East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Alok Ranjan, Advocate
For the opposite party : Mr. Shiv Shankar Sharma, Advocate
For the Respondents : Mr. Zainul Abedin (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

4. 03-04-2017

The petitioner has challenged the order dated 25.04.2016, passed by the learned Principal Judge, Family Court, Motihari, East Champaran, in Matrimonial (Miscellaneous) Case No. 12 of 2014, whereby exercising power under Section 127 of the Code of Criminal Procedure, monthly maintenance allowance, earlier allowed to opposite party no. 2, has been enhanced from a sum of Rs. 4,000/- to Rs. 15,000/- with effect from the date of filing of an application under Section 127 of the Code of Criminal Procedure.

Learned counsel appearing on behalf of the petitioner has submitted that there is no valid reason assigned in the impugned order for enhancing maintenance amount by three times



within a period of 7 years. He has further submitted that there was no occasion for the court below to allow enhancement of maintenance amount from the date of filing of the application. Learned counsel for the petitioner submits that the court below could have allowed enhancement from the date of order, in the facts and circumstances of the case.

The petitioner is admittedly husband of opposite party No. 2. His monthly income has been held to be Rs. 70,000/-, as on the date of order, which is not much in dispute. Even on the date of application, petitioner's monthly earning was more than Rs. 50,000/-. In that view of the matter, allowing Rs. 15,000/- per month as maintenance from the date of application cannot be said to be unreasonable, as has been ordered by the court below.

I do not find any reason to interfere with the order impugned. Accordingly, this application stands dismissed.

It goes without saying that the petitioner also has the liberty to apply for alteration of maintenance allowance in the changed circumstance, by invoking the same provision under Section 127 of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J.)

Rajeev/-

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