

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.58 of 2015

=====

Deepak Kumar son of Ramashray Singh, resident of village Salempur, P.S. Suryagarha (Manikpur), District Lakhisarai at present Deepak Kumar Sl. 60145, Police No. 1483 Commanding Officer 12 Battalion R.R. A.T.O. C/O Record Officer Sena Sewa Cor, Centre & College, Bangalore.

.... Petitioner/s

Versus

1.State of Bihar.

2.Kundan Devi, wife of Deepak Kumar, resident of village Salempur, P.S. Suryagarha(Manikpur), District Lakhisarai. At present resident of village Lalpur, P.S. Khaira, District Jamui.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv

For the Respondent/s : Mr. S.D. Singh Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 03-03-2017

The petitioner is admittedly employed in Indian Army. He has been directed to pay sum of Rs. 8000/- per month as maintenance allowance to the Opposite Party No. 2, his wife and two minor children. From the impugned order, I find that before the court below the petitioner asserted that he was getting only Rs. 9923/- out of his total salary and rest of the amount was being paid against installment to satisfy the loans advanced in his favour. He did not disclose the reason as to for which purpose he has taken the loan.

Learned counsel for the petitioner has submitted that Opposite Party No. 2 and the two children are residing in the petitioner's village.



Be that as it may. There is no dispute that the petitioner is the husband of the Opposite Party No. 2 and father of the two minor children. He is employed in Indian Army. In such circumstance direction by the court below to pay Rs. 8000/- for maintenance of Opposite Party No. 2 and the two minor children cannot be said to be on higher side from any point of view. In such circumstance I do not find the order to be erroneous requiring interference by this Court.

The said impugned order was passed more than two years ago. In such circumstance, this application is dismissed with an observation that the Opposite Party No. 2 shall be at liberty to apply for enhancement of the maintenance allowance under Section 127 of the Cr.P.C.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.03.2017
Transmission Date	08.03.2017

