

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.711 of 2016

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Shiv Shankar Singh, Son of Late Raghubir Singh, R/o Vill.-Jurawanpur Karari,
P.S.-Jurawanpur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Asharfi Devi, Wife of Shiv Shankar Singh, D/o Late Ram Bachan Singh, R/o
Vill.-Jurawanpur Karari, P.S.-Jurawanpur, District-Vaishali. At present C/o
Lautary Singh, R/o Vill.-Chak Dhanauti, P.S.-Industrial Area, Hajipur, District-
Vaishali.

..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ujjwal Kr. Mishra, Adv.

For the Respondent/s : Mr. Vinod Shankar Modi, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT & ORDER

Date: 31-01-2017

Though the matter has been listed under the heading “For
Orders” with certain office notes, pointing out the defects in the
present application, the matter has been heard on merit on dictate note
after ignoring the defects as pointed out.

2. Heard the parties.

3. The petitioner is an ex-army personnel and is
aggrieved by the judgment and order, dated 26.05.2015, passed by the



learned Principal Judge, Family Court, Vaishali at Hajipur, in Maintenance Case No. 56 of 2004, whereby, he has allowed payment of Rs. 5,000/- per month as maintenance, under Section 125 of the Code of Criminal Procedure, 1973, to opposite party No. 2 from date of the order, since she had received *ad-interim* maintenance amount @ Rs. 400/- per month.

4. Learned counsel, appearing on behalf of the petitioner, has submitted with reference to statement made in paragraph 7 of the present application that the petitioner is getting pension of Rs. 6,200/- per month and is suffering from several diseases, in order to make out a case that the amount, as has been directed to be paid as maintenance amount, is excessive.

5. From the impugned judgment and order, I find that no such plea was taken on behalf of the petitioner before the learned court below. The court below has taken into consideration elaborately the evidence, adduced before it, to establish the income of the petitioner. The petitioner did not disclose his actual income. The learned court below after considering entire facts and circumstance has allowed payment of a sum of Rs. 5,000/-, as maintenance allowance. I do not find any illegality in the judgment and order impugned, requiring interference by this Court nor I find the fixing of maintenance amount to be excessive.



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

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
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