

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1150 of 2016

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

=====

1. Md. Sarfaraz Khan @ Sanni son of Md. Sameem Khan resident of Bhikhanpur,
Islam Nagar, Police Station- Ishakchak, District- Bhagalpur Petitioner/s
Versus

1. The State of Bihar.
2. Bibi Fatima wife of Md. Sarfaraz Khan @ Sanni, presently residing at D/o Md.
Mokhtar resident of Village- Kharhara, Police Station- Barahat, District- Banka.
.... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Pravina Kumari
Mr. Shambhu Kumar
For the Respondent/s : Mr. Atul Chandra

=====

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

JUDGMENT AND ORDER
ORAL

Date: 19-01-2017

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

2. The petitioner is husband of Opposite Party No.
2. By order, dated 25.10.2016, passed, in Misc. Case No. 176
of 2012, by learned Principal Judge, Family Court, Banka, he
has been directed to pay a sum of Rs. 5,000/- as maintenance
under Section 125 of the Code of Criminal Procedure, 1973
(hereinafter referred to as the Code) to Opposite Party No. 2.

3. The said order is being assailed in the present
criminal revision application on few grounds. Firstly, it is
submitted that the amount is excessive and disproportionate
to the earnings of the petitioner. It is submitted by learned



counsel for the petitioner, referring to the impugned order, that there is no finding regarding actual income of the petitioner. It has, secondly, been submitted that Opposite Party No. 2 is an educated woman, capable of substantial earning and, in fact, she is also earning.

4. I have perused the impugned order. There is finding recorded by the learned Court below that no evidence was brought on record to show that Opposite Party No. 2 had any regular permanent source of income. It has also come as evidence that the petitioner belongs to a businessman family and he runs a shop with his father.

5. Considering the facts and circumstances, I do not consider payment of amount of Rs. 5,000/- per month to the Opposite Party No. 2 as maintenance to be excessive, requiring interference by this Court under Section 125 of the Code.

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

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.01.2017
Transmission Date	19.01.2017

