

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.117 of 2015

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1. Md. Akram Sah @ Md. Ekram Sah Son of Md. Akbar Sah @ Md. Akbat Sah resident of Village Baksoti, P.S. Govindpur, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabnam Khatoon Wife of Md. Akram Sah resident of Village Baksoti, P.S. Govindpur, District Nawada at present D/o Md. Islam Mistri resident of Bari Dargah Shekh Toli, Nawada, P.S. Nawada, District Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Nand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-03-2017 The opposite party No. 2 is wife of petitioner. They are living separately. The three minor children born of the petitioner and the opposite party No. 2 are admittedly living with petitioner. Opposite party No. 2 filed an application under Section 125 of the Code of Criminal Procedure in the court of learned Principal Judge, Family Court, Nawada seeking maintenance. The Family Court has allowed total sum of Rs. 4000/- per month for maintenance of four persons, i.e. petitioner and three children.

Learned counsel appearing on behalf of the petitioner has submitted that considering the petitioner's source of income, court below ought not to have awarded the maintenance allowance to be paid by the petitioner.



Evidently, the petitioner is required to pay Rs. 1000/- per month as maintenance each for three children and his wife. The amount cannot be higher, requiring this Court's interference in criminal revisional jurisdiction. This application has no merit.

The party shall be at liberty to apply for alteration of the maintenance allowance in the changed circumstances before the court below under Section 127 of the Code of Criminal Procedure.

This application stands disposed of with above observation.

(Chakradhari Sharan Singh, J)

Vats/-

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