

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.11 of 2015

=====

1. Santosh Kumar, Son of Ram Narayan Prasad Roy, resident of Village-Tetari, P.S-Balia, District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, D/O Late Pankaj Kumar Yadav, resident of Village-Tinkonma, P.O-Haripur Kala, P.S-Murliganj, District-Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Mr. Satyavrat Verma(App)

=====

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

3 07-03-2017

I. A. NO. 9 OF 2015

I. A. No. 9 of 2015 has been filed by the appellants, under Section 5 of the Limitation Act, seeking condonation of delay of about 557 days in preferring the present application.

Having considered the reasons assigned in the present petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring the present criminal revision application within time.

In view of the above, the delay, in preferring the application, is hereby condoned.



I.A. No. 9 of 2015 stands disposed of.

CRIMINAL REVISION NO. 11 OF 2015

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

Despite service of notice, the Opposite Party No. 2 has chosen not to appear.

This is not in dispute that Opposite Party No. 2 is the wife of the petitioner,

By the impugned order, dated 02.02.2013, passed in Misc. (Maintenance) Case No. 26 of 2011, learned Principal Judge, Family Court, Madhepura, has directed the petitioner to pay monthly maintenance allowance at the rate of Rs. 3,000/- per month.

Learned Counsel for the petitioner has submitted that Opposite Party No. 2 has sufficient source of income to maintain herself. He has, secondly, submitted that the order to pay maintenance allowance from the date of filing of application has been made without assigning any special reason for the same as required under Section 125 of the Code of Criminal Procedure, 1973. It has, further, been submitted that the Opposite Party No. 2 appears to have re-married. In addition, learned Counsel for the petitioner has submitted that while granting anticipatory bail, this Court had directed the petitioner to pay monthly



maintenance allowance at the rate of Rs. 1,000/- per month, which amount the petitioner has been depositing regularly in the Court from the very beginning.

Considering the facts and circumstances of the case, this application is disposed of with the observation and direction that the Opposite Party No. 2 shall be entitled to payment of monthly maintenance allowance at the rate of Rs. 3,000/- inclusive of the amount which the petitioner has been paying in the light of this Court's order granting him anticipatory bail.

It is also observed that the petitioner shall have the liberty to invoke Section 127 of the Code of Criminal Procedure, 1973, for alteration in the maintenance allowance on the basis of the changed circumstance.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

