

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.998 of 2014

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1. Kundan Kumar S/o Late Kamala Prasad Pandit Resident of Village Gaddighat, Post Office Basantpur, Police Station Rupouli, District Purnea.

.... Petitioner

Versus

1. Rajani Devi @ Rajani Kumari W/o Kundan Kumar, D/o Sri Mukesh Prasad Singh
2. Anshu Raj Minor S/o Kundan Kumar through Rajani Devi his mother and natural guardian Opp. Party No. 1 and 2 are Resident of Mohalla Larkania Tola, Ghasita Block, Police Station and District Katihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Surya Prakash

For the Respondents : Mr. Arun Kumar Mandal

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

3 16-02-2017 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the respondents.

The respondent no. 2 is the son of the petitioner. By the impugned order, dated 30.01.2014, passed in Misc. Case No. 70 of 2012, learned Principal Judge, Family Court, Katihar, has allowed monthly maintenance allowance, under Section 125 of the Code of Criminal Procedure, 1973, at the rate of Rs. 6,000/-. The respondent no. 2 is, admittedly, physically and mentally challenged and he is undergoing treatment.

The petitioner, however, has challenged the said order on the ground that respondent no. 1, the



petitioner's wife, who receives the said amount of maintenance, is using the amount for her own purpose.

Learned Counsel appearing on behalf of the respondents has controverted this contention and has submitted that the treatment of respondent no. 2 and his maintenance is quite expensive and even this amount of Rs. 6,000/- per month is not adequate.

On perusal of the impugned order and materials on record, I am of the view that the amount of monthly maintenance allowance, as awarded by the learned Court below, cannot be said to be on higher side. The order passed by the learned Court below does not require any interference.

This application is dismissed.

It is, however, observed that the respondent no. 1 shall be at liberty to apply for enhancement of the said maintenance allowance, under changed circumstances, in accordance with the provisions under Section 127 of the Code of Criminal Procedure, 1973.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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