

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.566 of 2014

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1. Gupteshwar Tiwari Son of Haribansh Tiwari Resident of Village - Karari,
PS. - Sheosagar (Baddi), District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Madhubala Devi Wife of Gupteshwar Tiwari @ Pappu Present
address C/o Rangnath Pandey, Saket Nagar, Rauja Kaina Road, P.O. -
Sasaram, P.S. - Sasaram, District - Rohtas

.... Respondent/s

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with

Criminal Revision No.600 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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1. Madhubala Devi Wife of Gupteshwar Tiwari @ Pappu, Daughter of Sri
Ranj Nath Pandey, Presently residing at Mohalla-Saket Nagar, Rouza
Canal Road, P.O.+P.s.-Sasaram (M), District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gupteshwar Tiwari Son of Sri Haribansh Tiwari Resident of Village-
Karari, P.O.-Nad, P.S.-Sheosagar, (Baddi), District-Rohtas.

.... Respondent/s

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Appearance :

(In CR. REV. No.566 of 2014)

For the Petitioner : Mr. Ajay Kumar Tiwari
For the State : Mr. Ram Chandra Singh (App)
For the O. P. No. 2 : Mr. Ashutosh Ranjan Pandey

(In CR. REV. No.600 of 2014)

For the Petitioner : Mr. Ashutosh Ranjan Pandey
For the State : Mr. U.S.P.Singh (App)
For the O. P. No. 2 : Mr. Ajay Kumar Tiwari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

11 30-06-2017

Heard learned Counsel for the petitioner-
husband, learned Counsel appearing on behalf of the



Opposite Party No. 2-wife and learned Additional Public Prosecutor for the State of Bihar.

By the judgment and order, dated 29.04.2014, passed by learned Principal Judge, Family Court, Rohtas, at Sasaram, a sum of Rs. 5,000/- per month has been fixed as maintenance allowance payable by the petitioner-husband to his wife, who has been implicated as Opposite Party No. 2 in Criminal Revision No. 566 of 2014.

The petitioner is aggrieved by the said impugned judgment, dated 29.04.2014, passed in Maintenance Case No. 28 of 2014, in exercise of power under Section 125 of the Code of Criminal Procedure, 1973.

Learned Counsel appearing on behalf of the petitioner-husband has submitted that the petitioner is ready to part with half of the immovable property, which he is having in favour of Opposite Party No. 2-wife. According to him, since the petitioner-husband has only 2½ kathas of land and no other property, he is not capable of giving Rs. 5,000/- per month as maintenance allowance to Opposite Party No. 2-wife.

Criminal Revision No. 600 of 2014 has been filed by the wife for enhancement of the monthly maintenance allowance and direction for payment of monthly maintenance allowance with effect from the date of filing of



the application in stead of date of passing of the judgment.

So far as the case of the petitioner-husband is concerned, I do not find any reason to interfere with the impugned judgment, whereby a sum of Rs. 5,000/- has been fixed as monthly maintenance allowance. The said amount by no stretch of imagination can be considered to be on the higher side.

So far as the case of the wife that the amount should be enhanced is concerned, no ground has been taken inasmuch as no evidence has been brought to my notice, which could support the case of the wife that the income of the petitioner-husband is such that more amount than what has been awarded by the learned Court below ought to have ben fixed as monthly maintenance allowance under Section 125 of the Code of Criminal Procedure, 1973.

I do not find any merit in these applications. These applications are accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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