

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.924 of 2016

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1. Asutosh Kumar son of Late Devendra Thakur Resident of Village-Diwan
Mohalla, Duli Ghat, Patna. P.S.Khajekalan, Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajani Kumari W/o Asutosh Kumar, D/o Sunil Kumar Jha Resident of
Village-Morwa Dih, P.S.Musari Gharari, Distt. Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohit Kumar

For the Respondent/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 08-02-2017 The present application has been placed under the
heading "Orders" with certain defects, having been pointed
out by the Registry. The defect stands ignored.

2. However, considering the facts and
circumstances, I consider it appropriate to dispose of the
application at this stage itself. I have heard learned counsel
for the petitioner.

3. The petitioner is husband of Opposite party No.2.
He has been directed to pay a sum of Rs. 3,000/- per month
to Opposite party No.2 as maintenance allowance under
Section 125 of the Code of Criminal Procedure, 1973 by an
order, dated 16.07.2016 passed by learned Principal Judge,
Family court, Samastipur in Maintenance case No. 122 of
2012.



4. Learned counsel for the petitioner has submitted that the petitioner does not have adequate source of income to pay monthly allowance at the rate of Rs.3, 000/- per month. According to him, the petitioner was working in Army since, 2004 and was discharged from service in the year 2013. Since he does not have any alternative source of income, fixation of amount of Rs. 3,000/- per month is excessive in nature.

5. I have perused the impugned order.

6. Learned Principal Judge, Family Court, Samastipur, on analysis of the evidence and on appreciation of the facts and circumstances has reached a conclusion that the monthly income of the petitioner is Rs. 12,000/- per month and such finding, on perusal of the order does not appear to be perverse or suffering from such illegality warranting interference by this Court in revisional jurisdiction. The amount of maintenance allowance, which has been awarded cannot be said to be disproportionate.

7. I do not find any reason to interfere with order.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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