

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.654 of 2016

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1. Md. Noor Alam @ Noor Alam Son Md. ibrahim R/o Village - Benia toli,
P.O. Bhelaganj, P.S. Balia- Belone(Kadwa) , District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar & Anr
2. Sagufta Khatoon wife of Noor Alam, D/o Sahabuddin Presently
residing at village- Sahragachhi, P.S. AzamNagar, O.P. Salmari, District-
Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Respondent/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 14-07-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

There is no dispute about the fact that the petitioner is the husband of the Opposite Party No. 2. He is aggrieved by an order, dated 08.04.2016, passed in Maintenance Case No. 243 of 2012, whereby learned Additional Principal Judge, Family Court, Katihar, has allowed monthly maintenance allowance at the rate of Rs. 4,000/- in favour of Opposite Party No. 2, under Section 125 of the Code of Criminal Procedure, 1973 (in short, "the Code").

Learned Counsel appearing on behalf of the



petitioner has submitted that the Opposite Party No. 2 has deserted the petitioner, though the petitioner is willing to keep her with full love and dignity and will also maintain her.

I have perused the impugned order, which is apparently based on the evidence adduced in a proceeding under Section 125 of the code. On appreciation of such evidence, the learned Court below has recorded specific finding that the Opposite Party No. 2 is not capable to maintain herself; whereas, the petitioner has sufficient source of income.

Considering such evidence on record, the learned Court below has allowed monthly maintenance allowance at the rate of Rs. 4,000/- per month. The said order, in my opinion, does not suffer from any illegality, requiring interference by this Court in revisional jurisdiction.

This application is dismissed.

Learned Counsel appearing on behalf of the petitioner has submitted that the petitioner is already paying maintenance allowance at the rate of Rs. 1,000/- per month as per the order passed by this Court, while granting anticipatory bail.

It goes without saying that the said amount



shall be liable to be adjusted against the amount, which has been awarded by the learned Court below, by the impugned order.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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