

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.202 of 2015

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1. Md. Naushad Ali @ Md. Naushad son of Md. Asgar Ali @ Asgar Ali
Resident of village- Waliganj, P.S.- Dharhara, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

2. Bilkees Jahan @ Wilkish Jahan wife of Md. Naushad Ali daughter of
Md. Alim Kuraishi

3. Md. Faiz Ali @ Md. Faij Ali son of Md. Naushad Ali,

2 and 3 are resident of Mohalla- Chiranad Road Garkha, P.S.- Garkha,
District- Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Respondent/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 10-03-2017

I. A. NO. 424 OF 2015

I.A. No. 424 of 2015 has been filed by the petitioner, under Section 5 of the Limitation Act, seeking condonation of delay of about 03 years and 7 months in preferring the present criminal revision 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 application within time.

In view of the above, the delay, in preferring the Letters Patent Appeal, is hereby condoned.



I.A. No. 424 of 2015 stands disposed of.

CRIMINAL REVISION NO. 202 OF 2015

Heard learned Counsel for the parties concerned.

The petitioner is the husband of Opposite Party No. 2 and father of Opposite Party No. 3, who is said to be a minor child.

By order, dated 19.05.2011, passed in Maintenance Case No. 110 of 2009, learned Principal Judge, Family Court, Saran, at Chapra, has allowed a sum of Rs. 2,000/- per month for their maintenance, under Section 125 of the Code of Criminal Procedure, 1973 (in short, "the Code").

Learned Counsel for the petitioner has submitted that the petitioner is a driver of auto-richshaw.

This is not being disputed that the petitioner is young healthy man and in that background, direction to pay Rs. 2,000/- per month for maintenance cannot be said to be on the higher side. To me, it appears that the said amount is on the lower side.

In that view of the matter, this application is dismissed with a liberty to Opposite Party No. 2 to apply for enhancement of the amount of maintenance by applying Section 127 of the Code.



In the event, the Opposite Party No. 2 enters into another marriage, the petitioner shall also have the liberty to apply for modification of the order impugned.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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