

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.670 of 2015

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Noor Mohammad, Son of Noorul Haque, resident of Village - Belsand, P.S. Belsand, District – Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

2. Nemat Jehan, Wife of Noor Mohammad, resident of Village - Belsand, P.S. Belsand, District - Sitamarhi, Presently at D/o Late Zafarul Hasan Khan, resident of village - Maulanagar, P.S. Belsand, District – Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the O.P. No. 2 : Mr. Dinesh Kr. Jha, Adv.

For the State : Mr. Lallan Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-02-2017 Heard the parties.

The petitioner is the husband of the opposite party No. 2. He has been asked to pay monthly maintenance allowance @ Rs. 3,000/- per month to opposite party No. 2, under Section 125 of the Code of Criminal Procedure, by the impugned order, dated 15.05.2015, passed by learned Principal Judge, Family Court, Sitamarhi in Miscellaneous Case No. 122 of 2013.



Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner does not have sufficient source of income to pay to opposite party No. 2 a sum of Rs. 3,000/- on monthly basis for her maintenance. According to him, the petitioner works as a labour on daily-wage basis and in that view of the matter, fixation of Rs. 3,000/- per month as maintenance allowance is excessive.

I have heard learned counsel, appearing on behalf of the opposite party No. 2 and also perused the impugned order and other materials available on the record.

From the impugned order, I find that the court below upon examination of evidence, adduced on behalf of the parties, has arrived at a conclusion that maintenance allowance @ Rs. 3,000/- would be just and proper in the facts and circumstances of the case. It also appears that in terms of certain orders, passed by the Court, the petitioner was paying to opposite party No. 2, a sum of Rs. 1,500/- per month earlier.

I do not find the quantum of Rs. 3,000/- per month as maintenance allowance to be excessive in the background of the evidence adduced before the learned court below, which has been discussed in the impugned order. The order impugned does not



require any interference by this Court in the present criminal revision application.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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