

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.115 of 2016

Arising Out of PS. Case No.- Year- Thana- District- Patna

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Sudarshan Ram @ Sudarshan Prasad Son of Late Jagrish Ram Resident of
Village - Deochandra P.S. - Sikarhatta, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Geeta Devi, D/o Baban Ram, Resident of Mohalla - Ashok Nagar Road No.
1/D, P.S. - Kankarbagh, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Singh
For the Respondent/s : Mr. Smt.Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 07-05-2018 The petitioner has challenged the final order dated 31.10.2015 passed by learned Additional Principal Judge, Family Court, Patna in Maintenance Case No. 31(M) of 2009 whereby he has been directed to pay a monthly sum of Rs. 10,000/-, in all, towards the maintenance of opposite party no. 2 and three children born out of the wedlock.

This court has been informed that the quantum of money so awarded as maintenance is being deducted from the salary of the petitioner and is being given to the opposite party no. 2. The opposite party no. 2 filed an application before the court below alleging that she was married to the petitioner on 08.05.1995 and out of wedlock, three children were born. Right from the



beginning, the petitioner neglected to maintain her. Because of the bad treatment meted out to her, she had to leave her matrimonial home and go to Delhi. It was further alleged by the opposite party no. 2 that petitioner married another person during the subsistence of his marriage with her and now he has not been maintaining the opposite party no. 2 or her children.

As opposed to the aforesaid assertion of opposite party no. 2, the petitioner submitted before the court below that in connection with his service as a teacher in a middle school, he had to remain out of his village home. During this period, the opposite party no. 2 entered into an unholy liaison with one Mukesh Kumar of the same village. On one occasion, the petitioner spotted his wife i.e. opposite party no. 2 in an objectionable position with the aforesaid Mukesh Kumar. When the petitioner forbade her to continue with such unchaste relationship, the opposite party no. 2 is said to have denied the petitioner any physical contact. The petitioner has also obtained *ex-parte* decree of divorce.

The Family Court, on perusal of the evidence brought on record by the parties and on going through the deposition of the witnesses on their behalf, came to the conclusion that the contention of the petitioner was incorrect. The illicit relationship of Mukesh Kumar with



opposite party no. 2 for which the petitioner had filed a case vide Kankarbagh P.S. Case No. 112 of 2017 was found to be false. In fact, the superior police officer, during the course of supervision, has also found that opposite party no. 2 had to leave her matrimonial home because of the ill-treatment meted out to her by the petitioner. She had run away from the house only for the purposes of saving herself from being treated in a cruel manner. The court below also came to the conclusion that the three children who were born out of wedlock of the petitioner with the opposite party no. 2 were not being maintained. The order further reflects that there is no source of income of opposite party no. 2, whereas the petitioner is earning a salary of Rs. 38,000/- as a teacher in the middle school.

Considering the aforesaid facts, the petitioner was directed to pay to the opposite parties, in all, an amount of Rs. 10,000/-.

This Court find no illegality in the aforesaid order.

The petition is therefore dismissed.

(Ashutosh Kumar, J)

Krishna/-
Ved/-

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