

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.371 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District-

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Punam Kumari @ Punam Gupta aged about 34 years Gender-Female Wife of
Rohit Kumar Ujjawal @ Suman Kumar Gupta Resident of Village - Pokhra
Muhalla, P.s. - Hajipur Town, Distt.- Vaishali, at present D/o Sri Rajkishor
Sah, Village - Shawajpur Patwa, P.s.- Hajipur Town, Distt.- Vaishali.

... .. Petitioner/s

Versus

Rohit Kumar Ujjawal @ Suman Kumar Gupta aged about 40 years Gender-
Male Son of not Mention Resident of Village - Pokhra Muhalla, P.s.- Hajipur
Town, Distt.- Vaishali.

... .. Respondent/s

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 03-04-2019

Heard parties.

2. This criminal revision petition has been filed for
setting aside the order dated 29.11.2018 passed by Principal
Judge, Family Court, Vaishali at Hajipur in Maintenance case
No. 109 of 2016 by which the application for maintenance
under Section 125 of the Cr.P.C has been dismissed.

3. Petitioner was married with Opposite Party No. 1 on
16.02.2009 as per Hindu Rites and Customs and she went to her
matrimonial home on 17.02.2009. For non fulfillment of
demand of motorcycle she was ousted from her matrimonial



home on 19.12.2015, after which she had filed criminal case under Section 498A of the IPC and Section 3/4 of Dowry Prohibition Act. It has further been alleged that Opposite Party No. 1 has performed second marriage on 20.05.2015 with Aarti Kumari and she is living in her parental home and unable to maintain herself whereas Opposite Party No. 1 has income of Rs. 14,000/- per month who is a teacher in Government School and has also income from Shops and agriculture.

4. Husband- Opposite Party No. 1 has appeared and filed his show cause and has denied the second marriage and has also stated that he is always ready and willing to keep the petitioner with him but petitioner herself goes to her parental home against his wishes and his parents also live with him and he has to take proper care of them because of their old age. Petitioner has lodged a false case against him and it has been further stated that petitioner herself is a graduate and earning Rs. 20,000/- per month and is able to maintain herself.

5. Petitioner has been examined as PW-1 in which she has repeated the allegations made in her petition, however, in her cross-examination she has stated that for last four months she is in her matrimonial home and her husband is paying Rs. 3000/- per month and all expenditure of fooding and clothing is



met by her husband.

6. PW-2 is father of petitioner, who has also admitted that at present his daughter is living with her-husband from 2017 and she is being taken proper care by her husband.

7. PW-3 has also repeated same facts that from June-2017 petitioner is residing in her matrimonial home.

8. Opposite Party-1 is the husband who has also accepted that his wife is residing with her and he provides her pocket expenditure and fulfill all her needs and wishes. He has denied of performing second marriage.

9. The Principal Judge, Family Court, after considering the rival contention of the parties and evidence on record, has found that petitioner is living in her matrimonial home from June-2017 with her-husband and she has also admitted that she gets her pocket expenditure from her husband and all expenditure of her fooding and clothing is being met by her husband, which has also been supported by other witnesses examined on behalf of petitioner. As such the Family Court has dismissed the maintenance case on 'admission' of petitioner that she is living with her husband and is also being maintained by him.

10. After hearing the parties and perusing the order passed



by the Principal Judge, Family Court, this Court does not find any illegality, irregularity or error in the order of the Family Court.

Accordingly, the present criminal revision petition is dismissed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.04.2019
Transmission Date	15.04.2019

