

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.362 of 2019**

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

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Dharamveer Tanti aged about 32 years Gender-Male Son of Brijnandan Tanti,
Resident of Village-Maira, P.S-Katrisarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pinki Devi aged about 28 years Gender-Female W/o Dharamveer Tanti and
D/o Krish Tanti, Resident of Village-Rahimpur, P.S-Rahui, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Prasad Singh
For the Respondent/s	:	Mr.Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT**

Date : 05-04-2019

Heard parties.

2. This criminal revision petition has been filed for setting aside the judgment and order dated 25.01.2019 passed by Principal Judge, Family Court, Biharsharif at Nalanda in Maintenance Case No. 28M of 2013 by which petitioner has been directed to pay Rs. 4000/- per month as maintenance to Opposite Party No. 2 and also directed to pay arrear of Rs.



2,76,000/- (between the period from the date of filing of the application by the Opposite Party No. 2 to the date of order) in an installment of Rs. 10,000/- per month.

3. Marriage of petitioner- Dharamveer Tanti was solemnized with Opposite Party No. 2 Pinki Devi, in the year 2008 as per Hindu Rites and Customs. After marriage Opposite Party No. 2 came to her matrimonial home but she was abused, assaulted and ousted from her matrimonial home and she had to take shelter in her parental home.

4. Opposite Party No. 2 filed a petition under Section 125 of Cr.P.C on 04.05.2013 before the Family Court, Bihar Sharif at Nalanda, for payment of maintenance amount to her in which notices were issued to petitioner and he appeared and filed his show cause on 29.05.2014. Compromise was made between the parties and on 02.04.2015, petitioner agreed to keep his wife- Opposite Party No. 2 and took her to her matrimonial home but soon thereafter in terms of compromise was broken and Opposite Party No. 2 had to leave her matrimonial home .

5. Altogether three witnesses were examined on behalf of Opposite Party No. 2 in which Opposite Party No. 2 is PW-2 who in her deposition had stated that she was married to petitioner eight years before but within ten days of her stay in



her matrimonial home, she was assaulted by petitioner and her in-Laws, for demand of cash and motorcycle and her gold ornaments was also kept by them and she was ousted from her matrimonial home and she had to take shelter in her parental home and thereafter petitioner or his family members never came to see her or tried to maintain her. Although as per compromise entered before Family Court her-husband agreed to take her to her matrimonial home but she was left as soon they came out of the court premises. She has no source of income whereas petitioner earns Rs. 12,000/- per month and is also earning from agriculture. The claim of Opposite Party No. 2 has been supported by PW-1 who is mother of Opposite Party No. 2, and PW is father of Opposite Party No. 2. It has also been alleged that petitioner has performed second marriage for which a criminal case has also been instituted by Opposite Party No. 2 in which chargesheet has been submitted against the petitioner.

6. DW-2 is petitioner himself who in his deposition has admitted the factum of marriage with Opposite Party No. 2 and has alleged that Opposite Party No. 2 always went to her parental home without any rhyme and reason and she is unable to conceive. His monthly source of income is manual labour and his earning is Rs. 4000/- per month as labourer.



7. After hearing the rival submission of the parties and considering the evidence on record the Family Court has found that Opposite Party No. 2 was ousted from her matrimonial home after being abused and assaulted for non fulfillment of demand of dowry and she had to take shelter in her parental home and she has no source of income and is dependent upon her parents for survival who are also poor and old whereas petitioner is bound to maintain her wife-Opposite Party No. 2 and has directed to pay Rs. 4000/- per month as maintenance to wife- Opposite Party No. 2 from the date of application.

8. At the outset this Court was inclined to issue notices to Opposite Party No. 2 to consider quantum of maintenance as well as date from which maintenance is to be paid if petitioner is ready to pay Rs. 2000/- per month as maintenance during pendency of criminal revision petition but learned counsel for the petitioner flatly refused this proposal and stated that petitioner is not in a position to pay any maintenance amount to Opposite Party No. 2.

9. 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)

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

