

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.55 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

MD. ISMAIL @ MD. IAMAIL, S/o Md. Ilias, R/o Datiyan, P.S.- Prampur,
District- Katihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rojina Khatoon, D/o Nejamuddin, W/o Md. Ismail, at present R/o Majheli Maheshwa, P.S.- Prampur, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Smt. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 29-04-2019 Heard the parties.

This criminal revision has been preferred, under Section 19 (4) of the Family Court Act, against the judgment and order dated 30.06.2017, passed by the learned Principal Judge, Family Court, Katihar in Maintenance Case No.50 of 2014, an application under Section 125 of the Code of Criminal Procedure, whereby the learned Principal Judge, Family Court, Katihar has awarded maintenance of Rs.3000/- (Rupees Three Thousand) per day to opposite party No.2, *Rojina Khatoon*, who is wife of the petitioner.

The learned court below has considered that opposite party No.2 was subjected to cruelty and was ousted



from her matrimonial house for non-fulfillment of illegal demand. Hence, opposite party No.2 had reasonable excuse to live separately.

The defence of the petitioner was that he is a labour and he is always ready to keep his wife.

The learned court below held that it is an obligation of the husband to see that non-earning wife does not become a destitute or a beggar.

Learned counsel for the petitioner submits that the amount of compensation is excessive one, as the petitioner is a daily wage earner.

I do not think that Rs.100/- (Rupees One Hundred) per day would be more than minimum requirement of a person to have two times meal and other minimum requirement fulfilled. Therefore, I do not find any reason to interfere with the impugned order. Accordingly, this criminal revision is *dismissed* as devoid of any merit.

(Birendra Kumar, J)

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