

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No. 72 of 2018**

**Along with**  
**Interlocutory Application No. 999 of 2018**

Arising Out of Maintenance Case No.- 73 Year-2012 Thana- District-

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Sanjay Kumar Ram Son of Babudhan Ram, resident of village Karamkilla  
P.O. Bishanpur, P.S. Baghaila District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchala Devi, Wife of Sanjay Kumar Ram, Resident of Village Karamkilla, P.O. Bishunpur, P.S. Baghaila, District Rohtas (Sasaram), at present daughter of Birju Ram, resident of Village Sanda, P.O. Sargawan, P.S. Amba, District- Aurangabad.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Alok Kumar Jha, Advocate |
| For the Opposite Party/s | : | Mr. Md. Arif, APP            |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 25-10-2019**

Heard learned counsel for the petitioner and learned  
APP for the State.

Re.: Interlocutory Application No. 999 of 2018

2. The Interlocutory Application has been filed for  
condoning delay of 25 days in filing the revision application.

3. After hearing learned counsel for the parties and  
going through the averments made in the Interlocutory  
Application, the Court finds that sufficient ground has been shown  
for delay in filing of the present application.



4. Accordingly, Interlocutory Application No. 999 of 2018, stands allowed.

5. The delay in filing of the present revision application stands condoned. The Interlocutory Application stands disposed off.

Re.: Criminal Revision No. 72 of 2018

6. The petitioner has moved the Court under Section 19(4) of the Family Courts Act, 1984, against the order dated 15.09.2017 passed by the Principal Judge, Family Court, Aurangabad in Maintenance Case No. 73 of 2012, by which petition filed under Section 125 of the Code of Criminal Procedure, 1973, by the opposite party no. 2, has been allowed and the petitioner has been directed to pay Rs. 3,000/- per month to her.

7. Learned counsel for the petitioner submitted that he does not earn enough to be able to give Rs. 3,000/- per month. It was further submitted that it is the opposite party no. 2, who had left the matrimonial home and that there is no reason given why she does not want to stay with the petitioner.

8. Learned APP submitted that from the order impugned itself, it is clear that the opposite party no. 2 has specifically taken a stand that there was demand of dowry of Rs. 3 lakhs and a



motorcycle and non fulfillment of the same led to mental and physical torture due to which she had to go to her parents' place. It was further submitted that the petitioner himself before the Court had admitted that he was getting Rs. 10,000/- per month salary. It was further submitted that there was a categorical stand of the opposite party no. 2 that the petitioner has 3 acres of agricultural land and two houses in his village which also has not been denied by the petitioner before the Court below.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application. It is surprising that a meager amount of Rs. 3,000/- per month is also being assailed before this Court. It is not denied that the opposite party no. 2 is the wife of the petitioner and even if it is accepted that he earns Rs. 10,000/- per month, without going into his other assets, payment of Rs. 3,000/- to the opposite party no. 2, who is the wife is most reasonable and fair. Even otherwise, if a person earns only daily wages then also an amount of Rs. 3,000/- per month for paying to the wife would be most reasonable.

10. Thus, considering the matter from all aspects, the Court finds no error in the order impugned which would warrant interference by this Court.



11. Accordingly, the application stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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