

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.40 of 2018

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

MD. SAKLIM @ MD. SAKLIM ALAM, S/o Md. Harun, R/o Village-
Bhokraha, P.S. - K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Najmin Parveen, W/o Saklim, D/o Md. Alam Khan
3. Md. Anwarul, (minor) S/o Md. Saklim,
4. Reshma (minor) D/o Md. Saklim (Opposite party Nos. 3 and 4 are minor. Both are under the guardianship of their mother Bibi Najmin Parveen. Opposite party No.2 to 4 are R/o Village- Begampur, P.S. - K. Nagar, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the Informant	:	Mr.Ram Prakash Kumar, Advocate
For the Respondent/s	:	Mr.Sri Rajendra Singh Shastriji, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-04-2019 Heard the parties.

This criminal revision has been preferred, under Section 19 (4) of the Family Court Act, against the order dated 20.11.2017, passed by the learned Principal Judge, Family Court, Purnea in Maintenance Case No.99 of 2015.

By the impugned order passed in a proceeding under Section 125 of the Code of Criminal Procedure, the learned Principal Judge, Family Court, Purnea has awarded Rs.2000/- per month as maintenance to *Bibi Najmin Parveen*, the wife of the petitioner and Rs.1000/- per month for each of



the two minor children residing with the opposite party No.2.

The learned court below has considered the evidence of the petitioner in court that when the wife was residing with him, he used to give Rs.50-100/- per day for household expenses.

The petitioner claims to be a daily wage labour. The witnesses examined on behalf of the petitioner are not acceptable where they have accepted that they give to the labourers even less than minimum wage prescribed under the law.

Therefore, I do not find that the court below has ignored the evidence or wrongly appreciated the evidence while coming to the conclusion of the order of maintenance. Moreover, the amount of maintenance is not excessive one. Average less than Rs.70/- per day has been awarded to the wife, which would hardly fulfill the requirement of two times food. Almost same is the situation in the matter of minors, who must be in need of education. Therefore, there is no merit in this criminal revision. Accordingly, it stands *dismissed*.

(Birendra Kumar, J)

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