

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.54 of 2018

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

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Krishna Mohan Das @ Mithilesh Das S/o Yugeshwar Das, R/o village-
Imadpur Sultan, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rani Devi W/o Krishna Mohan Das @ Mithlesh Das and D/o Jagdish Das,
3. Anmol Nidhi Minor
4. Anushka Kumari Minor Both D/o Krishna Mohan Das @ Mithilesh Das and
Both are under Guardianship of her mother Rani Devi, All are presently R/o
village- Hilalpur, P.S.- Industrial Area, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv
For the Respondent/s : Mr.Sri Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the parties.

2. By the impugned order dated 31.10.2017 passed in
Maintenance Case No.129 of 2012, the learned Principal Judge,
Family Court, Vaishali at Hajipur has allowed maintenance of
Rs.9,000/- in favour of opposite party-Rani Devi, the wife of the
petitioner and opposite parties-Anmol Nidhi and Anushka
Kumari, minor daughters of the petitioner. The maintenance
amount is to be paid from the date of filing of the petition under
Section 125 of Cr.P.C.



3. Learned counsel for the petitioner submits that the impugned order has been passed ignoring the paying capacity of the petitioner and is excessive one. Petitioner is already paying Rs.1100/- per month as interim maintenance in pursuance of order of the learned Principal Judge in the same maintenance case.

4. The perusal of the impugned order reveals that the petitioner admitted in his deposition that one of the opposite parties is his wife and two others are his daughters. He further admitted that he is a teacher since 26.08.2013 and gets salary of Rs.18,000/- per month. He further disclosed that father of the petitioner is a retired teacher and mother is not alive. He owns a house and 02 kathas of land. However contended that opposite party No.2 has skill of cutting and stitching clothes.

5. The evidence on the record clearly shows that the petitioner has no other financial liability and the amount of maintenance is not excessive one. Even if it is assumed that Rs.100/- would be required for two times food for one person, in one month, the minimum expenditure would be of Rs.3,000/- and for three person that would go to Rs.9,000/-. Besides aforesaid educational expenses of the children are to be born from the same amount besides other contingencies.



6. Hence, the impugned order suffers from no infirmity, accordingly, this criminal revision application is dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2019
Transmission Date	29.04.2019

