IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.18 of 2018

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

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Akhilesh Ranjan Sinha, S/o- Late Yogendra Prasad, resident of Jagdishpur, Deulia, P.O. and P.S.- Jagdishpur, District - West Champaran, Bihar.

... ... Petitioner

Versus

Supriya Sinha, W/o - Akhilesh Ranjan Sinha (D/o- Ajeet Kumar), resident of Jagdishpur, Deulia, P.O. and P.S.- Jagdishpur, District- West Champaran, Bihar, presently residing at Mohalla - Chandmari, P.O. and P.S.- Motihari Town, District - East Champaran, Motihari.

... ... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Vikas Ratan Bharti, Advocate
For the O.P. No. 2	:	Mr. Rajesh Ranjan no. 1, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 16-04-2019

Heard the parties.

2. This criminal revision has been filed against the order 13.11.2017 passed by learned Principal Judge, Family Court, East Champaran, Motihari in Maintenance Case No. 286 of 2014 whereby the petitioner, who is husband of opposite party, had been directed to pay Rs. 12,000/- (Twelve Thousand) per month for maintenance of opposite party and her minor son with effect from the date of presentation of the application under Section 125 Cr.P.C. i.e. 17.09.2014.

3. The petitioner has challenged the impugned order on the ground that the learned court below has not taken into consideration the other liability of the petitioner while deciding the compensation.

4. Learned counsel for the opposite party submits that entire evidences have been considered at the time of passing of the impugned order including the income tax return filed by the petitioner and receipt of payment of school fee of the child by opposite party. The copy of the income tax return for the assessment year 2017-18 of the petitioner, who is proprietor of M/s Shakti Automobiles, shows that gross total income of the petitioner from business is Rs. 2,24,603/- (two lakhs twenty four thousand six hundred three) and from agricultural sources income is Rs.90,200/- (ninety thousand two hundred). The agricultural income is non-taxable, hence, tax has been paid on the income from business.

5. Submission of the learned counsel for he opposite party is that the petitioner was an Automobile Engineer at the time of marriage, however, he left his job and started his personal business which is a flourishing business and real income of the petitioner is more than shown in the income tax return.

6. On the other hand, learned counsel for the petitioner submits that the Court can not go beyond the record. The parents are also depended on the petitioner, hence, the amount decided by the learned Principal Judge is excessive one.

7. On careful consideration of the material on the record, I am of the view, that the amount of maintenance granted to opposite party is not excessive one. Even if it is assumed that a normal person would have to spend Rs.200/- (two hundred) per day for two times meal, it would incur expenditure of Rs.6,000/- (six thousand) per month. A growing child requires a better nourishment especially a school going student. It is common experience that now-a-days imparting education to a child requires a separate head of expenditure.

8. Hence, the impugned order does not suffer from any infirmity. Accordingly, this criminal revision is dismissed as devoid of any merit.

(Birendra Kumar, J)

Rajan/Banti

AFR/NAFR	N.A.
CAV DATE	N.A.
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