

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.188 of 2020

Arising Out of PS. Case No.- Year-0 Thana- District- Gaya

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Nagmani Kumar Singh, Son of Shiv Kumar Singh Resident of Village -
Usewa, P.S.- Chandauti, District- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Sneh Lata @ Sneha Wife of Nagmani Kumar Singh, D/O - Sidheshwar Prasad Resident of Village - Koiri Bigha Kasthua, P.S.- Paraiya, District- Gaya

... .. Respondents

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Appearance :

For the Petitioner : Mr.Prithivi Raj Singh, Advocate
For the Respondents : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner. This revision application has been preferred for setting aside of the order dated 12.12.2019 passed by learned Principal Judge, Family Court, Gaya in Misc. Case No. 145 of 2010.

By the impugned judgment the learned Principal Judge has been pleased to fix a sum at the rate of Rs.5000/- per month towards maintenance of the Opposite Party No. 2 who happens to be wife of this petitioner from the date of filing of the application under Section 125 Cr.P.C. i.e. 01.12.2010.

Learned Counsel for the petitioner submits that in the Court below the petitioner was not able to lead any evidence and, therefore, the impugned judgment is liable to be set aside on this ground alone.



This Court has perused the impugned judgment and the other materials available on the record. It is admitted position that earlier vide order dated 15.03.2014 the learned Principal Judge had directed the petitioner to pay interim maintenance at the rate of Rs.1500/- per month to the Opposite Party No. 2. Learned counsel for the petitioner admits that this amount was never paid to Opposite Party No. 2 as a result whereof his evidence was closed. In paragraph '8' of the impugned judgment the learned Principal Judge has recorded as:- "the evidence of the opposite party was closed on 29.05.2018 and thereafter several opportunities were given to the opposite party but in spite of several opportunity he has not produced any evidence."

This Court further finds from the narration of facts and the evidences which have been discussed by the learned Principal Judge that apart from the Opposite Party No. 2 three other witnesses deposed on her behalf in the Court below. All have consistently stated that this petitioner has performed second marriage with another lady and ousted the Opposite Party No. 2 from his house and since then she is residing in her *Naihar*.

The witnesses have also stated that this petitioner



possess a shop and he has an income of around Rs.20,000-25,000/- per month. Not only that the petitioner did not adduce any evidence, he has not even cross-examined the witnesses brought on behalf of the opposite party no. 2.

In the revision application also there is no ground taken to assail the finding of the learned Principal Judge, Family Court and there is not even a whisper that the petitioner does not own a shop and/or does not have the income as stated by the witnesses of the Opposite Party No. 2 and the opposite party no. 2 to herself.

In these facts and circumstances and the materials present on the record, this Court finds no error with the impugned judgment and there being no perversity or non-consideration on the part of the learned Principal Judge of any material while rendering the impugned judgment, in the opinion of this Court no interference is called for with the impugned judgment.

This application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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