

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.195 of 2018

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

Sanjib Kumar Singh @ Sanjeev Kumar Singh @ Pappu Singh S/o- Indradeo Singh, Resident of Village- Taralahi, P.S.- Bahadurpur, District- Darbhanga. Presently residing at Mohalla- 46, Arabinda Pally, Konnagar, P.O.- Konnagar (M), P.S.- Konnagar, District- Hooghly, West Bengal, Pin Code- 712235.

... Petitioners

Versus

1. The State of Bihar
2. Smt. Hema Kumari Singh, Wife of- Sanjeev Kumar Singh, Daughter of- Chandradeo Singh, presently Resident at Village- Dadari, P.S.- National Highway Bangara, District- Samastipur.

... Respondents

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Prasad, Advocate
For State	:	Mr. Md. Fahimuddin, APP
For the O.P. No. 2	:	Mr. Sanjeet Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 17-02-2020 Heard learned counsel for the petitioner and learned counsel for the Opposite Party No. 2 as also learned counsel for the State.

Petitioner in the present case is the husband of the Opposite Party No. 2 and is seeking setting aside of the judgment dated 14.12.2017 passed in Maintenance Case No. 56/2013 by which the learned Principal Judge, Family Court, Samastipur has been pleased to award a sum of Rs.3000/- per month as maintenance to the wife of the petitioner and Rs.2000/- per month to his minor daughter since the date of filing of the petition under Section 125 Cr.P.C. i.e. 23.03.2013.



On the last date when the matter was taken up, learned counsel for the petitioner submitted that the petitioner has no source of income sufficient to pay Rs.5000/- to his wife and minor daughter. This Court, therefore, called upon the petitioner to file an affidavit disclosing the details of his bank accounts and the income as also the properties which are being held by him either in his own name or as a share in the ancestral properties.

Today, learned counsel for the petitioner submits that the affidavit could not be sworn because there was a bereavement in the family of the petitioner. However, he has got instruction and document in the form of the statement of account of the State Bank of India of the petitioner bearing account no. 33311064605. Learned counsel has produced xerox copy of the account statement for the period from 17th June, 2019 to 10th February, 2020. At this stage, learned counsel has informed this Court that the petitioner is presently getting a salary of Rs.10,000/- per month from his employer and in this regard the entry made in the statement of account has been shown. The salary slip of the petitioner has, however, not been produced and it is submitted that except the salary there is no other income of the petitioner.



On the other hand, learned counsel for the Opposite Party No. 2 submits that the petitioner is not disclosing the true and correct facts regarding his entire income from various sources. It is submitted that the petitioner has no other dependent on him as the brother of the petitioner is employed at Calcutta and his mother is also getting family pension.

Learned counsel has further submitted that from the pattern of the expenditure and the withdrawals in the account statement, it may be found that the petitioner is paying some substantial amount towards EMI and one may easily find from the pattern of expenditure/debit figures in the account that the petitioner is meeting some of his expenses from other resources.

Having heard learned counsel for the parties and on perusal of the records, as also the account statement which has been placed before this Court on behalf of the petitioner, this Court is of the considered opinion that even if the salary amount coming to the account of the petitioner be taken as Rs.10,000, it is an admitted position that there is no other dependent on him and in such situation, if a sum of Rs.5000/- is to be paid to the wife and minor daughter who is now growing up and her studies etc. are to be taken care of, by no stretch of imagination it can be said to be unreasonable or exaggerated amount. After all it is



the obligation of the petitioner to maintain his wife and the minor daughter who is now going to a school and has to be taken care of.

This Court, therefore, finds no reason to interfere with the impugned judgment.

The application, therefore, lacks merit and is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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