

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.371 of 2018

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

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Sakita Devi Wife of Late Dinesh Mandal, Resident of Village-Kursela, P.S.
Kursela, District-katihar. Petitioner

Versus

1. The State Of Bihar
2. Mahavir Kumar Son of Late Dinesh Mandal, Resident of Village-Kursela,
P.S. Kursela, District-katihar Presently Posted in Hazipur Rail Division
Hazipur.
3. Divisional Railway Manager, East Central Railway, Sonepur Division
Sonepur Division

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Respondent/s : Mr. Sri Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 03-03-2020 Heard learned counsel for the petitioner, learned
counsel for the O. P. No. 2 as well as the State.

The petitioner in this case is seeking to challenge the order dated 19.08.2017 passed by learned Additional Principal Judge, Family Court, Katihar in Maintenance Case No. 4 of 2013 by which the application of the petitioner for grant of maintenance under Section 125 Cr.P.C. against the opposite party no. 2 has been rejected.

It is not in dispute that the petitioner was married to one Dinesh Kumar Mandal whose first wife had died. Opposite Party no. 2 is the son from the first wife of said Dinesh Kumar Mandal. The husband of this petitioner was the railway employee. He died



in harness on 29.08.2002 and thereafter, Opposite Party No. 2 was appointed on compassionate ground. At the same time the present petitioner started getting family pension and learned counsel for the petitioner admits in course of hearing that the petitioner is getting family pension even today.

Learned counsel for the opposite party no. 2 submits that the application preferred under Section 125 Cr.P.C. against the opposite party no. 2 was wholly misconceived inasmuch as in the admitted facts of the case where the petitioner is having sufficient money to maintain herself from the family pension which she is getting, she cannot seek any other amount from opposite party no. 2 who has his own liability. It is submitted that the present application is nothing but a frivolous application.

Having heard learned counsel for the parties, in the admitted facts of the present case where the petitioner is getting family pension after death of her husband and it is not her case that the said family pension amount is not sufficient to maintain herself, this Court finds no reason to entertain this application.

This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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