

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.868 of 2018

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

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Ramanand Pandey son of Late Brahamdeo Pandey, resident of Village- Shikhari Chak, P.O. and P.S.- Mokama, District- Patna, at present residing in Mohalla- Kidwaipuri, P and T Colony, Quarter No. 208, P.O.- G.P.O. P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Sangita Devi, W/o Ramanand Pandey and Daughter of Sri Mudrika Pandey, residing at Village- Malama, P.O.- Hilsa, P.S.- Hilsa, District- Nalanda.
3. Sourav Kumar, S/o Ramanand Pandey and Smt. Sangita Devi, residing at Village- Malama, P.O.- Hilsa, P.S.- Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Karan, Advocate
For the Respondent/s	:	Sri Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 11-01-2021

Heard learned counsel for the parties.

2. Petitioner is husband of Opposite Party No.2

Sangita Devi and father of Opposite Party No.3 Saurabh Kumar.

3. By the impugned order dated 23.05.2018, passed in maintenance Case No.59M of 2010, the learned Principal Judge, Family Court, Biharsharif, Nalanda, has ordered for payment of maintenance by the petitioner to



Opposite Party Nos.2 and 3. Rs.5,000/- (Five thousand) per month is to be paid to the Opposite Party No.2 (Wife) and Rs.2,000/- (Two thousand) per month to Opposite Party No.3, the son.

4. While granting the aforesaid maintenance under Section 125 Cr.P.C. the learned Principal Judge found that marriage is admitted. There is reasonable excuse for Opposite Party Nos.2 and 3 to remain separate from the petitioner as there was allegation of demand of dowry and torture for the same. The petitioner had also produced ex-parte decree of divorce against Opposite Party No.2 granted by the Court at Asansol. The Court-below noticed that the petitioner, who was a Group-D employee in the Postal Department, had earning from salary of Rs.16,000/- (Sixteen thousand) per month. There was no evidence of other income of the petitioner as alleged by the wife. Hence, that was not taken into consideration.

5. Learned counsel for the petitioner during course of hearing of this application could not establish that the impugned order suffers from any illegality or impropriety.

6. The amount of maintenance is not excessive one considering the status of the parties and minimum need of



Opposite Party Nos.2 and 3 which can be fulfilled with the aforesaid amount.

7. Learned counsel for the petitioner submits that the petitioner is already paying Rs.2,000/- per month to Opposite Party Nos.2 and 3 in pursuance of interim order of maintenance granted by the Court-below.

8. The aforesaid amount is deductible from the dues amount of pension which is payable from the date of application.

9. Petitioner concedes that he would pay the monthly maintenance ordered by the Court-below from the month of January, 2021 regularly and shall pay Rs.1,00000/- (one lac) every year as installment of the entire arrears of maintenance amount.

10. The Court-below shall calculate the total payable amount of maintenance after deducting Rs.2,000/- which has already been paid to Opposite Party Nos.2 and 3 and thereafter shall issue necessary direction to the petitioner for payment of arrears of compensation in installment of Rs.1,00000/- (one lac) every year which may be paid in monthly, quarterly or half yearly installment and up to date maintenance amount shall be paid regularly.



11. With the aforesaid observation, this application stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.01.2021
Transmission Date	13.01.2021

