

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.298 of 2017

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

Md. Rauf Son of Md. Yunus, resident of Muhballa, P.O. Kamalpur, P.S. Barhara Kothi, District - Purnea

... .. Petitioner

Versus

1. State Of Bihar
2. Jainab Khatoon, D/o Md. Jafruddin, Wife of Rauf, resident of Muhballa, P.O. Kamalpur, P.S. Barhara Kothi, District - Purnea

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.
For the State	:	Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2022 No one appears for the petitioner.

This Court has recorded the situation presently prevailing wherein in the old cases of Criminal Revisions, most of the lawyers are not putting their appearance. Reference in this regard may be made to the order dated 24.11.2022 passed by this Court in Criminal Revision No. 1233 of 2016.

For similar reasons, this Court deems it just and proper to go through the records and dispose it of on its own merit.

Petitioner in this case is aggrieved by and dissatisfied with the order dated 03.09.2011 passed by the learned Principal Judge, Family Court, Purnea in Maintenance Case no. 278 of 2010.

By the impugned order, the learned Family Court has allowed the application under Section 125 Cr.P.C. and held the applicant-wife entitled to get a maintenance of Rs. 3,000/- per month



from her husband.

On perusal of the impugned order, it appears that in the learned Family Court, the husband-petitioner did not appear despite issuance of service of summon. As a result of this, the applicant-wife was heard ex-parte.

The applicant-wife examined herself and four witnesses who supported her case. The case of the applicant is that after marriage, she was subjected to demand of dowry and due to non-fulfillment thereof, she was ousted from her matrimonial house. She has no independent source of income whereas her husband has 15 bighas of land and he is engaged in a contract work at Delhi-Punjab. His annual income was said to be Rs. 2,50,000/-. Learned Family Court upon taking into consideration the materials available on the record directed the husband to pay Rs. 2,000/- per month to the applicant-wife towards her maintenance.

In the revision application, a plea has been taken that in the maintenance case no notice was served upon the petitioner, however, in support of his contention to that effect no material has been brought to the notice of this Court. The petitioner has not supported his contention by producing the ordersheets of the Court and as such this ground seems to have been taken only half-heartedly.

This revision application has been filed after almost 5 and half years from the date of the order. The amount awarded is a meagre sum of Rs. 2,000/- per month. For all these reasons, the



revision application seems to have been filed at a belated stage, without showing any cogent reason much less sufficient grounds to condone the delay, only to avoid the responsibility showing from the impugned order. This revision application has, thus, no merit.

If the petitioner has not paid the maintenance to his wife so far and so long in the name of the pendency of the revision application, the learned court shall while enforcing the impugned order and realizing the amount due thereunder recover an additional sum of Rs. 25,000/- by way of cost which this Court imposes upon the petitioner. The same will also be made available to the applicant-wife as expeditiously as possible.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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