

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.379 of 2021**

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

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JITENDRA SINGH @JITENDRA KUMAR S/o Doma Singh Chandravanshi
Resident of Village- Janjara, P.S.- Sheosagar, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar
2. Geetanjali Devi D/o Lal Bahadur Singh, W/o Jitendra Singh @ Jitendra Kumar Resident of Mohalla- Kuraich, Mahabir Sthan, P.O. and P.S.- Sasaram, District- Rohtas.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr.B.N. Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is aggrieved by and dissatisfied with the order dated 12th February, 2021 passed in maintenance case no. 41/2017 by which the learned Principal Judge, Family Court, Rohtas at Sasaram has been pleased to allow a sum of Rs. 3000/- per month as maintenance to the opposite party no. 2.

Learned counsel for the petitioner submits that in the court below the petitioner had taken a plea that opposite party no.2 is engaged in a private teaching job. He has referred the discussions made in paragraph '9' of the impugned order wherein the evidence of O.P.W.2 Dara Paswan has been taken



note of . A bare reading of paragraph '9' shows that this witness claimed that the applicant-wife was teaching in a coaching where she earns Rs. 20,000/- per month but in his cross examination, he has stated he did not know any Geetanjali who is that and where she lived is not known to this witness.

This Court called upon learned counsel for the petitioner to demonstrate as to whether the applicant-wife who deposed as P.W.1 in the court below has been cross examined as to her educational qualification and engagement in teaching job, learned counsel is unable to demonstrate that any cross examination was done on this point.

On the other hand, this Court finds that the learned court below has duly examined the evidence of the applicant-wife and the witnesses who supported her case. In ultimate analysis the learned court below has awarded only a sum of Rs. 3000/- per month as maintenance. It is an admitted position that the petitioner is well-built and engaged in physical work.

This Court is reminded of the judgment of the Hon'ble Supreme Court in the case of **Anju Garg and Another Vs. Deepak Kumar Garg reported in 2022 SCC Online SC 1314**. Paragraph '10' whereof reads as under:-

"10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being alive to the



objects and reasons, and the spirit of the provisions under Section 125 of the Code. Such an impression has also been gathered by this Court in the case on hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute. In ***Chaturbhuj v. Sita Bai reported in (2008) 2 SCC 316***, it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy. As settled by this Court, Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India.”

Having regard to the materials available on the record, this Court finds no reason to interfere with the meager sum of Rs. 3000/- per month maintenance awarded to the opposite party no. 2.

This application is, thus, dismissed.

The learned court below shall proceed to execute the impugned judgment as expeditiously as possible.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

