

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.341 of 2021**

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

Hemant Kumar Son Of Professor Nawal Kishore Singh Resident Of Mohalla
- Adarsh Nagar, Ward No. 16, P.S.- Araria, District - Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Nutan Devi @ Nutan Kumari Wife Of Hemant Kumar Daughter Of Sri
Birendra Kumar Choudhary, Presently Residing At Ashram Road, Ward No.
15, P.O. And P.S.- Araria, District - Araria, Pin- 854311

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Mrnagendra Prasad, APP
For O.P. No. 2	:	Mr. Kumar Uday Bhanu Roy, Advocate

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

4 19-09-2022

I.A. No. 01 of 2022

The application has been filed seeking condonation of
delay in filing of the present criminal revision application.

Learned counsel for O.P. No. 2 has no objection to
the same.

The delay is condoned. I.A. No. 01 of 2022 stands
allowed.

With the consent of learned counsel for the parties,
the matter has been heard.

On the last date, after hearing learned counsel for the
parties, this Court recorded the following order:-

“Learned counsel for the petitioner has drawn
the attention of this Court towards the



statements made in paragraphs '8' to '11' of the the revision application. It is submitted that on the one hand, the opposite party no. 2 is looking for payment of interim maintenance in terms of the order dated 21.04.2022 passed by this Court but at the same time, because of the conduct of the opposite party no. 2, the petitioner has recently lost his job. It is submitted that the opposite party no. 2 has lodged two criminal cases herself against the petitioner and got filed one case by the maid, in this manner the petitioner is facing three criminal cases. The O.P. No. 2 also lodged a complaint with the HCL Company where the petitioner was working and called upon the employer of the petitioner to take action against him in the background of the criminal cases. As a result of this, the petitioner lost his work tempo, suffered in performance and has been made to resign.

Learned counsel for the petitioner undertakes to file an affidavit to place on record the recent developments.

Learned counsel for the O.P. No. 2 submits that he will file a counter affidavit by Monday i.e. 12th September, 2022.

Learned counsel for the O.P. No. 2 shall seek instruction from O.P. No. 2 as to whether she would be ready for an amicable settlement of the matter with the petitioner in respect of the criminal cases lodged by her as well as the maintenance case simultaneously.

List this case for further consideration on 19th September, 2022 under the same heading maintaining its position.

In the meantime, learned counsel for the



petitioner shall remove all the defects.”

Today, Mr. Mrintunjay Kumar, learned counsel for the petitioner has drawn the attention of this Court towards the supplementary affidavit filed on behalf of the petitioner with which he has enclosed a copy of the letter (Annexure ‘1’ series) allegedly written by O.P. No. 2 to the employer of the petitioner. It is his submission that because of the said complaint and continuous communications made in this regard in form of court notices and requirements to submit the salary slip of the petitioner, finally the petitioner was asked to resign. Referring to the relieving letter enclosed with the supplementary affidavit, learned counsel submits that the petitioner’s resignation has been accepted w.e.f. 6th July, 2022.

Learned counsel for the petitioner has assailed the impugned judgment on the grounds inter alia that because of the conduct of his wife the petitioner has been made to resign.

Learned counsel for O.P. No. 2 submits that the O.P. No. 2 had made complaint to the employer in the year 2017 and the petitioner has resigned after 5 years and so far as his instruction is concerned, the petitioner resigned for a better opportunity and has joined at a new place.

Be that as it may, so far as the present case is



concerned, it has been filed for setting aside of the impugned judgment dated 15.12.2020 passed by learned Principal Judge, Family Court, Araria by which the petitioner being the husband of the O.P. No. 2 has been directed to pay a monthly maintenance of Rs.10,000/- per month from the date of filing of the petition.

This Court finds from the materials available on the record and discussed in the impugned judgment/order that so far as the marriage between the petitioner and O.P. No. 2 is concerned, the same is not in dispute. It is also not in dispute that the applicant-wife has no independent source of income. The admitted position is that at the relevant time, the petitioner was earning a salary of approximately Rs.45,000/- per month. In this regard, learned Principal Judge has referred to Exhibit '2' which shows the total salary of the petitioner.

On the face of the admitted position, this Court is of the considered opinion that the award of a sum of Rs.10,000/- towards maintenance to the O.P. No. 2 cannot be said to be excessive. It is in fact about 1/4th of the salary of the petitioner. The petitioner is said to have paid a sum of Rs.1,10,000/- to O.P. No. 2 so far.

This Court finds no reason to interfere with the



impugned judgment.

The revision application would fail.

The petitioner shall pay the entire arrears of maintenance within a period of 9 months from today in equal monthly installments. He would also continue to pay the current maintenance.

Learned counsel for the petitioner submits that since the petitioner has resigned w.e.f. 6th July, 2022, there is a change of circumstance at least from 6th July, 2022, if he does not get another job.

This Court would, at this stage only observe that in case of change of circumstances, it will be open for the parties to avail their remedy for modification/alteration of the impugned judgment with effect from such changes in accordance with law.

This revision application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

