

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.502 of 2019

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

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Md. Farooque @ Md Maroof @ Md Maroof Alam Son of Late Mohammad Rafique, Resident of village- Hakka P.S.- Amour District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
 2. Jinnati Khatoon, Wife of Md Farooque @ Md Maroof @ Md Mroof Alam, Daughter of Md Riajul, Resident of village- Hakka P.S.- Amour District- Purnea. Present address village- choni (Hatgachi) P.S. Baisi District- Purnea.
- Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.Nadimul Hasan, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-09-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, has challenged the judgment dated 08.02.2019 passed by learned Principal Judge, Family Court, Purnea in Maintenance Case No. 315/2014 under Section 125 of the Code of Criminal Procedure. By the impugned judgment the learned Principal Judge has been pleased to allow a monthly maintenance of Rs. 3000/- to the applicant-wife and Rs. 1000/- to the unmarried daughter till her marriage.

A perusal of the impugned judgment would show that the Nikah between the petitioner and the applicant-wife



had taken place on 31.01.2012. It is alleged that when the applicant-wife went to her Sasural, she was brutally assaulted and mentally tortured by this petitioner. The petitioner was demanding dowry and because of non-fulfillment thereof he was torturing to his wife and finally threw her out of her matrimonial home. The applicant-wife gave birth to a daughter who was about 10 months old at the time of filing of the application seeking maintenance. A criminal case being Amour P.S. Case No. 225/2014 has also been registered against the petitioner.

The applicant-wife had given her evidence in the learned court below that she has no independent source of income whereas her husband has got 15-20 bighas of land and is also engaged in sale and purchase of the agriculture produce.

The case of the applicant-wife was contested by this petitioner. The petitioner however admitted the marriage but denied demand of dowry. It is his case that he always tried his best to bring back his wife to the matrimonial home but she did not agree. He had also filed a Title Suit bearing No. 688/2014.



The learned Principal Judge has discussed the stand of the parties and the deposition of witnesses who were produced in support of their respective case. The applicant-wife produced herself as a witness. She has stated that her husband had performed three marriages and his all the three wives were alive. She had denied the suggestion on behalf of the husband that her husband has no business and he does not have agricultural land.

The learned court below has noticed the statement of O.P. No. 3 who has stated that at the time of Nikah with the present opposite party, the petitioner had about 5-6 bighas of land, out of which he had given two bighas of land to his wife. This, however, appears that he was unable to prove that he had given two bighas land to his wife. The Court found that his wife was living in a stringent financial condition at her Naihar. In fact the O.P. witness no. 2 Jalesha Khatoon @ Jalso Khatoon has also admitted that this petitioner had tortured his wife and she was thrown out of the matrimonial house and then the petitioner was neglecting her.

In the given facts and the materials present on the



record the learned Principal Judge, Family Court, Purnea has allowed only a sum of Rs. 3000/- per month to the applicant-wife and Rs. 1000/- to the minor daughter which is a meagre amount and by no stretch of imagination it may be said that the learned court below has either exceeded its jurisdiction or has passed the impugned order contrary to the materials available on the record.

This Court rather finds that this petitioner has not made payment towards maintenance in terms of the judgment for over 3½ years. The conduct of the petitioner in not paying a single penny to his wife and minor daughter despite there being a direction to that effect would call upon this Court to take a strict view of the matter. This Court, therefore, while dismissing this application, directs the petitioner to pay a cost of Rs. 25,000/- (Rupees Twenty Five Thousand only) to the opposite party and pay the entire arrears of maintenance and the current amount of maintenance to opposite party no. 2.

The learned Principal Judge, Family Court, Purnea shall proceed to execute the impugned judgment as expeditiously as possible. The arrears of maintenance and



the cost imposed by this Court must be paid within a period of six months in equal monthly installments.

In case of failure on the part of the petitioner to abide by the order of this Court, the learned Principal Judge, Family Court, Purnea shall proceed to execute the order in accordance with law.

(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'.

