

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.800 of 2017

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

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Birendra Singh @ Birendra Kumar Singh Son of Ramnath Singh, R/o Village-
Katarinar, P.S.- Nawanagar, District- Buxar.

... .. Petitioner

Versus

1. State of Bihar
2. Arti Devi, D/o Jagdish Singh, R/o Mohalla- Dumraon Pati Kurmi-Ki-Gali
Ward No.19, Dumraon, District- Buxar.

... .. Opposite Parties

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-12-2022 No one appears for the petitioner to press this
application.

Considering that this revision application is of the
year 2017 and it relates to maintenance of a neglected woman,
this Court has considered it on its own merit on the basis of the
materials available on the record.

By the impugned order, the learned court below has
awarded a sum of Rs. 1,000/- per month to the applicant-wife
for her maintenance.

In the case of **Anju Garg and Another versus**
Deepak Kumar Garg reported in **2022 SCC Online SC 1314**,
the Hon'ble Supreme Court has observed in paragraph '10' 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.”

This Court finds from the materials on the record that admittedly this petitioner has suffered paralysis but the applicant-wife has proved that he has got some land and the land is in possession of the joint family. Her father-in-law has also a business and her husband has some investments in shares.

Under these circumstances, thinking that the learned



Family Court has awarded a meager sum of Rs. 1,000/- for the maintenance of his wife, this Court finds no reason to interfere with the same.

Let the Principal Judge, Family Court, Buxar proceed to execute the impugned order as expeditiously as possible.

(Rajeev Ranjan Prasad, J)

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