

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.895 of 2016

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

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Lalan Ram @ Lalan Kumar Son of Rasik Ram Resident of Village- Kargama,
P.S.- Singheshwar, District- Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar
2. Mamta Devi D/o Late Siyaram Ram, wife of Lalan Ram
3. Minakshi Kumari, D/o Mamta Devi Opp. parties no. 2 and 3 resident of Village Choughara, P.S. Supaul, Dist- Supaul.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 10-11-2022 No one appears on behalf of the petitioner to press

this application. Mr. Satyendra Prasad, learned A.P.P. for the

State is present.

Considering that this revision application is pending
for more than six years, this relates to maintenance of a
neglected woman and minor child and at this stage there is no
representation on behalf of the petitioner, this Court has gone
through the impugned judgment and perused the grounds raised
in the revision application.

The marriage between the petitioner and the opposite
party no. 2 and birth of the minor daughter (opposite party no.
3) are not in dispute. The facts revealed that the husband



-petitioner works in a private firm and he has performed second marriage. It is alleged that the petitioner has thrown his wife and minor daughter out of his matrimonial house because of non-fulfillment of demand of dowry. He is living with another lady since 16.02.2014. The neglected wife and the minor daughter of the petitioner are residing in the parental house of the wife. She has also filed a complaint case which is said to be pending.

On the quantum of income of the petitioner it has come that he is working in a private firm in Punjab and is getting Rs. 20,000/- per month as salary. He has also got some cultivable land and earns out of that.

In the revision application it is not the case of the petitioner that he is not earning in a private firm. There is no case of the petitioner that he is not an able-bodied person and cannot work physically to maintain his wife and minor daughter. In such circumstance, taking note 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' of the judgment is quoted hereunder for a ready reference:-

“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.”

By the impugned judgment the learned Principal Judge, Family Court, Supaul has allowed a sum of Rs. 4000/- towards maintenance of the wife and minor daughter.

This Court finds that the amount of maintenance awarded to the applicant-wife and minor daughter cannot be said to be unreasonable much less excessive. Hence, the impugned judgment needs no interference.

This revision application is dismissed.

Since no one has appeared to inform this Court as to whether the petitioner has been paying the maintenance amount to his wife and children or not, this Court directs the learned Principal Judge, Family Court, Supaul to look into the matter and in case it is found that in the name of pendency of the



revision application the petitioner has avoided payment of maintenance to his wife and minor daughter. The entire outstanding maintenance shall be realized together with a cost of Rs. 25,000/- and the same will be payable to opposite party nos. 2 and 3 as expeditiously as possible.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

