

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1252 of 2016

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

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Shyam Sharma @ Shyam Sunder Sharma, son of Rameshwar Lal Sharma,
resident of Sonversa Raj, Post and Police Station- Sonversa Raj, District-
Saharsa.

... .. Petitioner

Versus

1.State Of Bihar.

2.Punita Kumar @ Radha Devi, D/o Daulat Ram Dhandh, W/o Shyama
Sharma, resident of Sonversa Raj, Post & Police Station Sonversa Raj, district
- Saharsa, at present resident of Mohalla- Nayatola, Bara Bazaar, Post, p.s.
and district- Katihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-11-2022 No one appears for the petitioner to press this
application.

This Court has recorded the situation presently
prevailing wherein in the old cases of Criminal Revisions, most of
the lawyers are not putting their appearance. Reference in this
regard may be made to the order dated 24.11.2022 passed by this
Court in Criminal Revision No. 1233 of 2016.

For the similar reasons, this Court deems it just and
proper to go through the records and dispose it of on its own merit.

Mr. Navin Kumar Pandey, learned APP appears for the
State.

Petitioner in this case is aggrieved by and dissatisfied



with the judgment and order dated 25.07.2016 passed in Maintenance Case no. 189 of 2010 by which the learned Principal Judge, Family Court, Katihar has been pleased to allow the maintenance case and directed the O.P.- petitioner to pay Rs. 3,000/- per month to the applicant / O.P. No. 2 as a maintenance every first week of the month.

The case of the applicant was that she was married to the petitioner on 31.01.2008. Initially, for two months she had no problem but thereafter a demand of Rs.50,000/- was made and when the same was denied, a matrimonial discord took place. It is alleged that the petitioner has performed a second marriage in the month of May, 2008 and thereafter, the applicant was neglected. She was brought to her Naihar by her brother, even though she was willing to live with the petitioner but the petitioner did not take care of her.

On the other hand, the stand of the husband- petitioner is that the applicant- wife had herself deserted the petitioner. The petitioner had filed a suit for restitution of conjugal right under Section 9 of the Hindu Marriage Act at Saharsa wherein the applicant- wife refused to live with the petitioner.

The petitioner has brought on record the deposition of the applicant- wife who deposed as O.P. witness no. 4. In her evidence, she has alleged that her husband has neglected her and



he put a condition that only after providing a sum of Rs. 50,000/- in cash to him, he would keep the applicant- wife. In the revision application, the petitioner has made a statement that the O.P. no. 2 has in course of her examination as a witness stated about her work/ status as Anganwadi worker. While it is true that in the format of the deposition form, the learned court has mentioned the occupation of the applicant as Anganwadi worker but in course of her cross-examination, no question was put to her as regards her income. This Court further finds that even her examination-in-chief the applicant- wife has not made any statement that she works as Anganwadi worker or that she had no independent source of income.

Be that as it may, it is evident from the impugned order that the applicant's witnesses supported her case and said that she was unable to maintain herself. The witnesses nos. 1 and 2 of opposite party-husband have admitted that opposite party-husband is running a photostat copy shop. Taking note of the materials available on the record, the learned Principal Judge, Family Court, Katihar has awarded a sum of Rs. 3,000/- per month as maintenance.

This Court is of the considered opinion that a sum of Rs. 3,000/-per month hardly comes to Rs. 100/- per day and this is a meager amount which needs no interference.



The learned Principal Judge, Family Court, Katihar shall proceed to enforce the impugned order as expeditiously as possible and in case, it is found that the petitioner has not paid the maintenance amount to his wife so far, the Court will realize a cost amount of Rs. 25,000/- also from the petitioner which will be paid to the applicant-wife.

In case the petitioner is able to show that his wife has got any independent source of income sufficient to maintain herself, he may file an appropriate application in the learned court below for alteration of the order. So long the order dated 25.07.2016 remains in force, the petitioner would be obliged to abide by the same.

This 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'.

