

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.827 of 2017

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

Chitranjan Kumar @ Chitranjan Das @ Aman Raj, son of Munna Das,
Resident of Village-Kumbwa, Makhdoompur, P.S.-Jehanabad (Kanpa O.P.),
District-Jehanabad.

... .. Petitioner/s

Versus

1. State of Bihar
2. Rinku Devi, wife of Chitranjan Kumar @ Aman Raj, daughter of Surendra
Das, Resident of Nerathua, P.S.-Kako, District-Jehanabad.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Amrendra Kumar Singh, Advocate
For the State : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-12-2022 Heard learned counsel for the petitioner and Mr.
Rajendra Prasad Nat, learned APP for the State.

The petitioner in this case is aggrieved by and
dissatisfied with the order dated 27.04.2017 passed in
Maintenance Case No. 39 of 2015 by learned Principal Judge,
Family Court, Jehanabad. By the impugned order the learned
court has allowed a maintenance of Rs.3,000/- per month to
O.P. No. 2.

Learned counsel for the petitioner has assailed the
impugned order on the solitary ground that the quantum of
maintenance is in excessive side. Learned counsel submits that
the amount be reduced by Rs.500/- per month.

This Court is unable to agree with the submission of



learned counsel for the petitioner.

The learned Family Court has examined the entire materials on the record including the evidences of the O.P.-petitioner and thereby has awarded Rs.3,000/- per month which ultimately comes to Rs.100/- per day and even a daily wages earner may pay this much amount to his wife.

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 **Chaturbhuji 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.”

In the aforesaid view of the matter, this Court finds no reason to interfere with the impugned order.

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

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

