

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1033 of 2017

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

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Ram Chandra Sah @ Ramchandra Prasad, son of Sri Paspas Sah, resident of
Village-Parsa Mathiya, P.S. Lauriya, District-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Lilawati Devi, wife of Ram Chandra Sah, resident of Ilam Ram Chowk,
Ganj No. 1, P.S.-Bettiah Town, District-West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shravan Kumar, Sr. Advocate Ms. Anjali, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-12-2022 Heard Mr. Shravan Kumar, learned Senior Counsel

assisted by Ms. Anjali, learned Advocate for the petitioner and

Mr. Fahimuddin, learned APP for the State.

The petitioner in this case is aggrieved by and
dissatisfied with the order dated 20.07.2017 passed by learned
Principal Judge, Family Court, West Champaran, Bettiah in
Maintenance Case No. 120-M/08. By the impugned order, the
learned Principal Judge has been pleased to allow a sum of
Rs.3,000/- per month as current maintenance to the applicant-
wife and to Rs.2,000/- as arrear of maintenance which are to be
deducted from the pension of the opposite party-husband.

Learned Senior Counsel for the petitioner submits that
the amount is being deducted from the pension account of the



petitioner and the same is being remitted to the applicant-wife regularly.

The only ground raised before this Court is that the learned Principal Judge, Family Court has not considered the submission of the petitioner that the applicant-wife was not a legally wedded wife of this petitioner. Learned counsel submits that the applicant-wife is O.P. No. 2 in this revision application.

On the other hand, learned counsel for the State has drawn the attention of this Court towards the findings of the learned Principal Judge, Family Court wherein several materials have been noticed by the learned Principal Judge, Family Court to come to a conclusion that this petitioner had married the O.P. No. 2 and there are sufficient materials to show that the applicant-wife is legally married wife of the petitioner. No other ground has been pleaded before this Court.

Having regard to the submissions noted hereinabove, this Court finds that in the impugned order, the learned Principal Judge, Family Court has recorded the findings with regard to the marriage between petitioner and the applicant-wife (O.P. NO. 2) in the following words:-

“....After analyzing the evidences and documents available on the record, it is clear that the O.P. filed a criminal case against the petitioner for committing murder of his second wife Shanti Devi, vide Bagaha P.S. Case No. 133 dated 21.10.84. In this fardbayan



he has admitted that the petitioner Lilawati Devi is his first wife and married 7-8 years ago. This fact has also been supported by the O.P. in his evidence recorded in S. Tr. No. 50/87. The Voter list of Lauriya constituency, at serial no. 795 of village Mathiya shows the petitioner as wife of the O.P. This fact has been supported by other documents such as APL Card and photo copy of certificate issued by B.D.O. and Circle Officer of Lauriya.

Aforesaid documents clearly shows that the petitioner is legally married wife of the O.P. and she is entitled for maintenance amount.....”

In the opinion of this Court, there are several materials on the record and these materials have not been controverted by the opposite party-petitioner, hence, this Court is of the considered opinion that the learned Principal Judge, Family Court, West Champaran, Bettiah has not committed any error in allowing the maintenance to the applicant-wife.

This revision application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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