

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.343 of 2018

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

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Ravi Kumar @ Fagu Sharma Son of Umeshwar Sharma, Resident of Tipiya Tola, Ward No. 2, P.S. Bihra, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Sharma, D/o Yugeshwar Sharma, Resident of Pachgachhia, Tipiya Tola, Ward No. 2, P.S. Bihra, District Saharsa.
3. Sonali Kumari, D/o Kiran Sharma, Minor Daughter Under the Guardianship of Her Mother namely Kiran Sharma, Resident of Pachgachhia, Tipiya Tola, Ward No. 2, P.S. Bihra, District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Surendra Kishore Thakur, Advocate
For the State	:	Mr. Ram Naresh Ray, APP
For the O.P. No.2&3	:	Mr. Satish Kumar Singh, Advocate
		Mr. Dinesh Maharaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-09-2022 This revision application has been preferred for setting-aside the order dated 25.11.2017 passed by the learned Principal Judge, Family Court, Saharsa in Misc. No. 65/2017 filed under Section 125 of the Cr.P.C. whereby the learned court below has ordered to pay ad-interim maintenance @ 3000/- per month for the maintenance of applicant and her daughter.

It appears on perusal of the records that on the previous occasion when the matter was taken up for consideration, no one appeared for the petitioner.

Today, Mr. Surendra Kishore Thakur, learned counsel



has argued the matter on instruction from Mr. Manoj Kumar Singh, learned counsel for the petitioner.

On the other hand, learned counsel for the O.P. No. 2 & 3 submits that in this case the impugned order is dated 25.11.2017. For last five years the petitioner is neglecting his wife and the minor daughter and has not paid the maintenance amount in terms of the impugned judgment of the learned court below. It is submitted that the petitioner paid a sum of Rs. 10,000/- at the time of seeking pre-arrest bail and thereafter Rs. 2500/- at one stage only.

Learned counsel submits that both the opposite parties are living in state of penury and the maintenance amount in this case is a meagre sum of Rs. 3000/- per month only. It is submitted that in the present days economic condition and the price index of the country it is difficult to believe that how two persons i.e. O.P. No. 2 & 3 may survive with a sum of Rs. 3000/- per month, still the fact remains that this amount has not been paid to them for the last five years.

In the given facts and circumstances of the case, learned counsel for the petitioner is unable to controvert the findings of the learned court below. The conduct of the petitioner in keeping this matter pending for last more than four years before this Court requires to be deprecated and



discouraged. This Court has further gone through the impugned judgment. The Court agree with the submission of learned counsel for the O.P. No. 2 & 3 that the amount of maintenance awarded to them is a meagre sum of Rs. 3000/-. The Court would take judicial notice of the fact for best assessment that now a days even an unskilled labourer earns at least Rs. 400/- per day, under these circumstances, no unreasonableness or arbitrariness may be found in directing the petitioner to pay a sum of Rs. 3000/- per month to the applicant-wife and the minor daughter.

Since the petitioner has not paid any money to O.P. No. 2 & 3 and has kept them awaiting and engaging them in this case and they have been made to contest this matter in this court all these years, this Court deems it just and proper to impose a cost of Rs. 25,000/- (Rupees Twenty Five Thousand) payable by the petitioner to O.P. No. 2 & 3 within a period of one month from today. The entire arrears of maintenance must be paid within six (6) months from today besides paying the current maintenance. The learned Principal Judge, Family Court, Saharsa may fix some installments in which the petitioner shall make payment of the arrears amount within the maximum period of six (6) months. The Principal Judge, Family Court,



Saharsa shall proceed to execute the order as expeditiously as possible.

This Revision Application is, thus, dismissed.

(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'.

