

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.796 of 2018

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

Yogendra Nr. Mandal S/o Late Shiv Nr. Mandal, R/o Mohalla- Mathura South Dakshin, Ward No. 02, P.O. P.S.- Narpatganj Near Middle School, District- Arariya, PIN NO.- 854335.

... .. Petitioner

Versus

1. State Of Bihar
2. Janki Devi, Wife of Yogendra Nr. Mandal, Daughter of Fanni Lal Singh, R/o of Mathura South, Middle Girls High School, Narpat Ganj, P.O. P.S.- Narpatganj, District- Arariya at present resided at Mokama, Asharam Pada, Thakurganj, Ward No. 5, P.S. Thakurganj, District- Kishanganj.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Dineshwar Tiwary, Advocate
For the State	:	Mr. Ramchandra Singh, APP
For the O.P. No. 2	:	Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 17-08-2022 Heard learned counsel for the petitioner, learned counsel for the O.P. No. 2 as well as learned counsel for the State.

The petitioner in this case is aggrieved by and dissatisfied with the order dated 19.09.2017 passed by Principal Judge, Family Court, Kishanganj in Maintenance Case No. 33 of 2017 by which the petitioner is directed to pay maintenance amount of Rs.5,000/- to the O.P. No. 2.

The facts of the case are not in dispute. The petitioner and O.P. No. 2 were married about 36 years ago and after marriage the O.P. No. 2 gave birth to three sons. The petitioner was employed in the Agricultural Department at Kishanganj. It



is alleged that the petitioner was pressurizing O.P. No. 2 to bring some money from her *naihar* for purchase of land and as O.P. No. 2 was unable to bring the money, she was driven out of the matrimonial house.

The facts of the case further reveal that the petitioner has married to another lady and has got two children out of the said second marriage. It has further come that when the applicant-wife filed the maintenance case at Family court, Purnea, the opposite party-husband got his transfer from Purnea to Banmankhi and then the applicant had left pairvi of the said case as a result whereof the case was dismissed.

On the point of quantum of the income of the husband the applicant-wife laid evidence to show that his husband is getting at least a sum of Rs.30,000/- per month as pension. She was supported by other witnesses namely Baidnath Prasad (AW 2) and Digamber Mandal (AW 3) who are the sons of the applicant-wife.

Learned counsel for the petitioner though submits that it is an ex-parte order but neither in the revision application nor in course of his submission learned counsel for the petitioner could controvert the fact that the petitioner is a retired government employee and is getting at least a sum of



Rs.30,000/- on account of pension. It is also not controverted that he has performed second marriage and is living with his second wife and the children.

Learned counsel for the opposite party no. 2 as well as learned counsel for the State have opposed this application. It is submitted that the jurisdiction of the learned Principal Judge, Family Court under Section 125 Cr.P.C. is to be exercised in a summary manner and the provision being a social legislation, it must be given effect to to help the neglected women and children. It is submitted that in the present case no fruitful purpose would be served by remitting the matter to the learned court below because admittedly the petitioner is a retired government employee and is getting sufficient amount of pension out of which a sum of Rs.5,000/- which has been awarded to the applicant-wife is a meagre amount and the same cannot be said to be excessive by any stretch of imagination.

Having regard to the facts and circumstances of the case as also taking into consideration the materials available on the record, this Court is of the considered opinion that there being an admitted fact that the petitioner and O.P. No. 2 are husband and wife respectively and that the petitioner is a retired government employee having pensionary benefits and there



being no denial that he is receiving pension of Rs.30,000/- per month, this Court finds no reason to interfere with the impugned judgment.

This revision application has no merit. It is, thus, dismissed.

The petitioner shall continue to pay the amount of maintenance to O.P. No. 2.

(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'.

