

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1030 of 2016

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

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Mustaj Son of Late Basiruddin, Resident of Village- Sohar, P.O. and P.S.
Awadpur, District- Katihar. Petitioner/s

Versus

1. State Of Bihar
2. Sanjida Khatoon, wife of Mustaj, D/o Tifuj, resident of Village- Sahar, P.S.
Awadpur, District- Katihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the State : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-11-2022 No one appears for the petitioner.

Considering that this revision application is of the year 2016, this Court has considered it on its own merit on the basis of the materials available on the record.

On perusal of the impugned judgment, it appears that the marriage between the parties is not in dispute. The learned Principal Judge, Family Court, Katihar has found that the husband-opposite party is earning Rs.8,000/- to 10,000/- per month. The husband-opposite party has been directed to pay a sum of Rs.2500/- per month to the opposite party no.2.

Considering the present day's economic condition and the judgment of the Hon'ble Supreme Court in the case of **Anju Garg and Another Vs. Deepak Kumar Garg reported in 2022 SCC Online SC 1314** saying that it is the moral and legal



duty of the husband to maintain his wife, this Court finds no error in the impugned judgment. Paragraph '10' of the said judgment is quoted hereunder for a ready reference:-

“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.”

This revision application is 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'.

