

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1033 of 2016

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

=====

Satyendra Yadav S/o Paryag Yadav resident of Village- Majhariya, P.S. -
Malahi, District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sobha Devi W/o Satyendra Yadav, D/o Hari Shankar Yadav, R/o Village-
Majhariya, P.S.- Malahi, District- East Champaran at present residing in
village- Bhadurpur, P.S.- Govindganj, District- East Champaran.

... .. Opposite Party/s

=====

Appearance :

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

=====

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.

Petitioner is aggrieved by and dissatisfied with the
judgment dated 16.07.2016 passed by learned Principal Judge,
Family Court, East Champaran, Motihari in Case No.
Maintenance 26/2011.

By the impugned judgment, the learned Principal
Judge, Family Court has allowed a maintenance amount of
Rs.4,000/- per month in favour of the opposite party no.2 and
the petitioner has been directed to pay the said amount.



On a reading of the impugned judgment, it appears that the learned court below has considered the present day's economic condition and the price index as also the object behind incorporation of Section 125 Cr.P.C. The court having come to a conclusion that the husband is an able-bodied person and has a moral and legal duty to maintain his wife awarded the said maintenance.

In the revision application preferred before this Court, the petitioner has raised a ground that his wife had earlier filed a Maintenance Case bearing No.413 of 2009 which was dismissed on 06.07.2010 by the learned Principal Judge, Family Court, East Champaran at Motihari on the ground that she was not ready to live with him. It was a case that his wife was not willing to live with him and she was engaged in a relationship with a co-villager of the petitioner and she had concealed before marriage.

This Court finds that the learned court below has considered the submission of the petitioner and found that there was no material at all to support such allegations of the petitioner against his wife. The learned court below has recorded that such plea has been taken only to avoid the maintenance allowance. It has been further found that there was



a conciliation between the parties and opposite party had refused to keep the petitioner (wife) whereas the petitioner (wife) was ready to live and go to her sasural. It is for this reason that the reconciliation failed.

The learned trial court has taken a view that it is the sacrosanct duty of the husband to render financial support to his wife even if he is required to earn money by doing physical labour.

This Court finds that the view taken by the learned trial court is in accordance with 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**. 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.”

In the totality of the materials available on the record, this Court finds no reason to interfere with the impugned judgment.

Let the learned Principal Judge, Family Court, East Champaran, Motihari enforce the impugned judgment as expeditiously as possible. In case, it is found that the petitioner has not paid any maintenance amount during pendency of this revision application, then the petitioner would also be liable to pay Rs.25,000/- to his wife which would be realized together with the outstanding maintenance.

This revision application is dismissed.

(Rajeev Ranjan Prasad, J)

arvind/-

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

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'.

