

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1257 of 2016

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

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Jay Narayan Sharma Son of Shri Girish Sharma, Resident of Village- Nagain,
P.S.- Goh, District- Aurangabad.

... .. Petitioner

Versus

1. State Of Bihar
2. Sangita Devi, Wife of Jay Narayan Sharma, Resident of Village- Nagain,
P.S.- Goh, District- Aurangabad. daughter of Shridhar Sharma, Village-
Sohsa, P.S.- Mehendiya, District- Arwal.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-11-2022 No one appears for the petitioner to press this application. This Court has recorded the situation presently prevailing wherein in the old cases of Criminal Revisions, most of the lawyers are not putting their appearance. Reference in this regard may be made to the order dated 24.11.2022 passed by this Court in Criminal Revision No. 1233 of 2016.

For similar reasons, this Court deems it just and proper to go through the records and dispose it of on its own merit.

Petitioner in this case is aggrieved by and dissatisfied with the order dated 25.11.2016 passed in Maintenance Case no. 14 of 2012 by which the learned Principal Judge, Family Court,



Aurangabad has been pleased to allow a maintenance of Rs. 4,000/- per month to O.P. No.2. The petitioner has been directed to pay the said amount by depositing the same in the bank account of O.P. No. 2 by 10th day of each and every succeeding month from the date of filing of the application.

On perusal of the impugned order, it would appear that the marriage between the parties was solemnized on 10.07.2000 according to Hindu Rites and Rituals. Allegation is that after marriage there was demand of a motorcycle and cash. It is alleged that the husband of the applicant had illicit relationship with his *bhabhi* which was objected to by the applicant. The further case of the applicant is that she was assaulted by the opposite party-husband and she was being compelled to commit suicide. The applicant-wife went to her *maika* in the year 2011 along with her father. She claimed that she had no sufficient means to maintain herself whereas her husband has got 20 *bighas* of agricultural land, tractor and runs a rice mill. He is said to be earning a sum of Rs. 7 lakhs per year.

The case of the applicant was contested by the O.P.-petitioner who alleged that the applicant had left her matrimonial house in April, 2006 without any reasonable excuse



and went to Purnea where her father was an Assistant in Irrigation Department and was residing in a government quarter. She never returned thereafter.

In support of her case, the applicant brought four witnesses who are father, brothers of the applicant and the applicant herself. The O.P.- husband examined two witnesses in support of his case. As matter of fact, it transpired that by virtue of an order dated 05.05.2015 passed by this Court in Cr. Misc. Case no. 36652 of 2012, the petitioner was directed to deposit Rs. 750/- per month in the bank account of the applicant. The High Court had also directed them to appear before mediation centre attached to the High Court for the redressal of their dispute but the dispute could not be resolved. The O.P.-husband and his witnesses deposed that the O.P.-husband has less than 2 acres of land in his share and he has no tractor or rice mill. His case was that the applicant-wife was a teacher in Purnea and earns Rs. 5,000/- per month from which she is able to maintain herself. In his cross-examination, however, he has stated that he cannot file any certificate regarding the employment/ service of the applicant- wife and that he has not seen any such document. He admitted in his evidence that there are 11 acres of agricultural land in his family. The O.P.-husband took a plea that



he had no relationship with the applicant-wife since 2006.

The learned Family Court has considered that the existence of 11 acres of land in the family is not in dispute, therefore, the earning of the O.P.-husband was assessed at a sum of Rs. 15,000/- per month. Taking note of the said income of O.P.-husband, the learned court has directed him to pay Rs. 4,000/- as maintenance to the applicant-wife.

Having gone through the materials discussed hereinabove and the grounds raised in the revision application, this Court is of the considered opinion that the petitioner is unable to point out any illegality or infirmity in the impugned order. In one of the grounds raised in the revision application even though the petitioner has stated that the learned Principal Judge erred in giving its finding on the joint family land being 11 acres and the earnings therefrom be not less than Rs. 15,000/- per month, there is no assertion of the petitioner that the family of the petitioner does not own 11 acres of agricultural land.

In the totality of the circumstances, finding that the maintenance amount is a meagre sum of Rs. 4,000/- per month and the said amount has been made payable w.e.f. the date of filing of the maintenance application, no illegality or infirmity may be found with the same so as to warrant any interference.



In result, this revision application would fail.

The learned Principal Judge, Family Court, Aurangabad is directed to recover the arrears of maintenance together with a cost of Rs. 25,000/- payable by the petitioner and upon recovery of the said amount, the same be made available to the applicant-wife as expeditiously as possible.

This revision application stands disposed of accordingly.

(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'.

