

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1148 of 2019

In
Miscellaneous Appeal No.373 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Araria

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Sanad Saurabh Son Of Bijendra Prasad Saha Resident Of Village- Bihariganj,
P.S.- Bihariganj, District- Madhepura.

... .. Petitioner

Versus

Monika Kumari Daughter Of Arun Kumar, Wife Of Sanad Saurabh Resident
Of Village- Haripur, P.S.- Forbisganj, District- Araria

... .. Respondent

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2022 Learned counsel for the petitioner has filed a supplementary affidavit. Let it be taken on the record. So far as the other defects are concerned, learned counsel undertakes to remove the same within one week from today.

Heard Mr. Devendra Kumar Sinha, learned Senior Counsel assisted by Mr. Abhinay Raj, learned counsel for the petitioner.

The petitioner in the present case has challenged the judgment and order dated 11.04.2019 passed in Maintenance Case No. 68 of 2017 under Section 125 Cr.P.C. by which the learned Principal Judge, Family Court, Araria has held the opposite party entitled to get a maintenance amount of



Rs.8,000/- per month.

Learned Senior Counsel for the petitioner submits that it has come in evidence that at the relevant time, the opposite party was taking training of a nurse in MGMGNM College, Kishanganj but at this stage he has instruction to say that she has joined in Jan Nayak Karpoori Thakur Medical College and Hospital at Madhepura.

This Court finds that so far as this judgment is concerned, there is no plausible ground on which this Court may interfere with the same. In fact, learned Senior Counsel for the petitioner agrees to the extent that the finding of the learned Principal Judge, Family Court as regards the fact that there was no proof of any independent income of the opposite party and further fact that the petitioner has got income as LIC agent and from other sources has been recorded on the basis of the evidence adduced. Learned Family Court has recorded that the petitioner had not even cross-examined the applicant on the point of his income and he had not cross-examined at all the applicant witness no. 4 who had supported the case of the applicant-wife.

Learned Senior Counsel submits at this stage that the petitioner may be granted liberty to file an appropriate



application in the learned court below in the changed circumstances in accordance with law.

This Court is of the considered opinion that so far as the impugned judgment is concerned, no fault may be found with the same, therefore, the learned Principal Judge, Family Court, Araria shall proceed to enforce the judgment. In case there is any change of circumstance at this stage, the petitioner is at liberty to file an appropriate application in accordance with the provisions of the Cr.P.C. itself before the learned court below for alteration/modification of the order of maintenance but so long as this judgment exists, the petitioner would be liable to pay the amount of maintenance to the opposite party.

This 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'.

