

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1157 of 2019

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

Sahabuddin Alam @ Md Sahabuddin Alam S/o Md. Sanif R/o Village-
Bhawanipur Duaniyan, P.S.- Pratapganj, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shamima Khatoon W/o Abudl KLalam R/o Saharsa Basti Ward No. 31, P.S.-
Saharsa, District- Saharsa.
3. Joya Aliya D/o Md. Sahabuddin Alam R/o Saharsa Basti Ward No. 31, P.S.-
Saharsa, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate
For the State : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioner.

Petitioner in the present case is seeking setting aside of the impugned order passed under Section 125 Cr.P.C. by which the learned court below has awarded a maintenance of Rs. 4000/- per month to the daughter of the petitioner.

Learned counsel for the petitioner submits that the petitioner is ready to provide maintenance to his daughter but the quantum of maintenance be reduced.

This Court finds that the daughter was born on 18.12.2012. The petitioner has performed a second *Nikah* and he was facing charge of murder of his wife in which he has been acquitted after a compromise was reached with the prosecution



side who did not depose against him. Still the petitioner has neglected his minor daughter and has not paid a single farthing to her. His daughter is living with her maternal grandmother and even as the application was filed in 2014 and it was allowed on 26.07.2019, no payment has been made so far.

In the given kind of materials present on record, this Court finds that the petitioner has been neglecting his minor daughter. Though he submits that he is ready to pay the maintenance but the fact remains that nothing has been paid so far. The amount of maintenance awarded to the minor daughter is a meagre sum of Rs.4000/- per month. This Court would not interfere with such a meagre amount of maintenance.

Since the petitioner has not shown his bonafide by making payment of the maintenance to his daughter, this Court thinks it just and proper to impose a cost of Rs. 25,000/-.

Let the entire arrears of maintenance and the current maintenance be realized from the petitioner with the cost amount as expeditiously as possible.

The learned Principal Judge, Family Court, Saharsa shall keep the records on shorter dates and ensure that no unnecessary adjournment is granted while prosecuting to execute the impugned judgment.



This 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'.

