

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1327 of 2019

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

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ISRAIL @ SHAH ISRAIL Son of Late Suleman Resident of Village - Aam
gachhi Driver Tola Ufrail Chowk, P.O.- Ufrail, P.S.- Sikti, Disit- Araria.

... .. Petitioner/s

Versus

BIBI RUBEDA KHATOON W/O Israil @ Shah Israil D/O Kalim Sah
Resident of Village - Aam gachhi Driver Tola Ufrail Chowk, P.O.- Ufrail,
P.S.- Sikti, Disit- Araria. At present resident of Village- Puraini Tola Markaz,
P.S.- Sri Nagar, Disit- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in this case, is aggrieved by and
dissatisfied with the judgment dated 09.07.2018 passed by
learned Principal Judge, Family Court, Araria in Maintenance
Case No. 300M/2018 under Section 125 of the Code of
Criminla Procedure by which a monthly maintenance of Rs.
3000/- has been allowed in favour of the applicant-wife. The
petitioner being husband has been directed to pay the
maintenance amount to the opposite party.

In course of argument, the only ground taken on
behalf of the petitioner is that while the petitioner is ready to



keep his wife with full dignity and care but his wife is not ready to live with him.

Learned counsel for the petitioner has produced before this Court a certified copy of the deposition of the applicant-wife. Perusal thereof would show that the wife has alleged demand of dowry and the due to non-fulfillment of the same she has been allegedly thrown out from her matrimonial house. She has submitted that this petitioner is a driver and earns Rs. 20,000/- per month. He has got agricultural land. In course of her cross-examination, she has denied the suggestion that her husband is ready to keep her. She has rather stated in paragraph '15' of the cross-examination that her husband has performed second marriage.

In the kind of materials present on the record and discussion by this Court here-in-above, this Court finds that the plea taken on behalf of the petitioner that he is ready to keep his wife and she is not ready to live with him is only a bald plea having no substance and the same cannot be accepted at this revisional stage.

From perusal of the certified copy of the order-sheets which have been produced by learned counsel for the petitioner, it further appears that as back as on 09.08.2016, the learned



Principal Judge had directed the petitioner to pay an interim maintenance of Rs. 1500/- per month. Learned counsel for the petitioner has informed that the said order has not been complied with and finally the impugned judgment has been passed.

In the given kind of conduct of the petitioner in not paying the maintenance amount to his wife for over six years from the date of passing of the interim order and more than four years after passing of the impugned judgment, this Court deems it just and proper to impose a cost of Rs. 25,000/- (Rupees Twenty Five Thousand only) upon the petitioner which will be realized from him together with the arrears of maintenance by the learned Principal Judge, Family Court, Araria. The learned Principal Judge may fix certain reasonable installments towards payment of arrears of maintenance, however the petitioner shall be obliged to pay the current maintenance regularly in terms of the impugned order.

This application is dismissed with cost as above.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

