

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1330 of 2019

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

Sanjay Kumar Ram @ Sanjay Ram Son of Raksha Ram Resident of Village-Dhobwalia, P.S.-Manjhagarh, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Suman Devi Wife of Sanjay Ram Resident of Village-Dhobwalia, P.S.-Manjhagarh, District-Gopalganj. Present Address-Lakhpatiya Moor, Saryea, Ward No.3, Post and District-Gopalganj.
3. Jet Kumar Son of Sanjay Ram Resident of Village-Dhobwalia, P.S.-Manjhagarh, District-Gopalganj. Present Address-Lakhpatiya Moor, Saryea, Ward No.3, Post and District-Gopalganj.
4. Khushi Kumari Daughter of Sanjay Ram Resident of Village-Dhobwalia, P.S.-Manjhagarh, District-Gopalganj. Present Address-Lakhpatiya Moor, Saryea, Ward No.3, Post and District-Gopalganj.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 22-09-2022 Time till 11th of October, 2022 is granted to the
learned counsel for the petitioner to remove all the defects.

No one appears for the petitioner.

It appears that vide order dated 08.07.2020, this Court
had issued notice to the opposite party nos.2, 3 and 4 in both the
limitation petition as well as in revision application for which
requisites were to be filed within a period of six weeks.

The office report says that the requisites have not
been filed.



In these circumstances, this Court finds that the petitioner having filed this revision application in this Court is only interested in not paying the maintenance amount to his three minor children.

Considering that the purpose behind the incorporation of Section 125 Cr.P.C. is to give succor to the neglected women and children and it is a piece of social legislation, in order to satisfy itself as to whether the case should still be adjourned, this Court has gone through the impugned order.

This Court finds on perusal of the impugned order that this petitioner is said to be an engineer in the railway department. He has stated in his cross-examination that he is in service at Chandigarh and earns Rs.20,000-25,000/- per month. The children are living at their maternal grandfather's place but he deposits the school fee.

This petitioner did not come forward to depose in the court of learned Principal Judge, Family Court, Gopalganj in support of his pleadings. The learned Principal Judge having taken note of the fact that the applicant-wife was working as Vikash Mitra (teacher) and was earning Rs.10,000/- per month did not allow any maintenance to her but the court having noticed that the three minor children are entitled for



maintenance awarded Rs.2,000/- per month to each of them from the month of July, 2016. It is not known whether the petitioner is paying the said amount, but this Court has reasons to believe from the conduct of the petitioner in not filing the requisites and then not putting appearance today that he is only interested in keeping the matter pending.

In the given facts and circumstances of the case, considering the status of the petitioner and his income, this Court finds no reason to interfere with the impugned order. The petitioner shall, in terms of his stand in the learned court below continue to deposit the school fee of his three minor children and shall be obliged to pay the entire arrears, if not already paid to them within a period of six months from the date of communication of this order. He will also continue to pay the current maintenance to the minor children regularly in terms of the order of the learned Principal Judge, Family Court, Gopalganj.

This Court is also of the opinion that in case the petitioner has not paid the maintenance amount to his minor children so far and has kept them engaged in this litigation which has been delayed at his instance, he will also be liable to pay an additional sum of Rs.25,000/- as cost to the minor



children.

The learned Principal Judge, Family Court, Gopalganj shall ensure that the entire outstanding and the current maintenance amounts are realized from the petitioner.

A copy of this order be sent to the employer of the petitioner to enable them to deduct the arrears as well as the current maintenance amount and remit the same to the minor children who are named in the impugned order.

This revision application stands disposed of accordingly.

Let the LCR be returned to the learned court below.

The certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

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'.

