

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.350 of 2017

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

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Ram Prakash Sah Son of Maganu Sah, Resident of Village- Musahebsingh
Tola, P.S. Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

Mirdula Devi wife of Ram Prakash Sah, daughter of Ramchander Sah,
Resident of Village- Laxmipur, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 14-03-2023

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has filed the present revision
application against the order dated 07.12.2016 passed by the
learned Principal Judge, Family Court, Begusarai in
Maintenance Case No. 42M/1997 (*Mirdula Devi Vs. Ram
Prakash Sah*), whereby and whereunder maintenance amount
has been enhanced from Rs.450/- to Rs.3,000/- by the Court.

Counsel for the petitioner submits that petitioner is a
daily wages worker and he was not able to deposit Rs.450/-
regularly to the opposite party and due to this reason, petitioner
was sent to judicial custody three to four times. Counsel submits
that petitioner had paid the said maintenance amount to the
opposite party till date and due to default, he has also sent under
judicial custody. Counsel submits that petitioner has been

convicted and sentenced to rigorous imprisonment for 2 years under Sections 498(A) and 494 of I.P.C. upon the complaint of the opposite party. Counsel submits that the enhancement of maintenance amount has been made without showing any cogent reasons and without any evidence. Counsel also submits that without adducing any evidence and without any proper enquiry, enhancement of maintenance amount is bad in law.

Counsel for the State submits that the maintenance amount was fixed in the year 2000 by the Court below. At that very time, the maximum maintenance was permissible up to Rs.500/- only. Counsel submits that after 16 years i.e. in the year 2016, the opposite party has filed an application under Section 127 of Cr.P.C. for enhancement of the maintenance amount and Court has rightly enhanced the maintenance amount so that the O.P. No. 2 may maintain herself.

After hearing the counsel for petitioner and counsel for State as well as record of the case, it is crystal clear that the maintenance amount Rs.450/- was granted under provision of Section 125 of Cr.P.C. in the year 2000, when the maximum maintainable amount under Section 125 of Cr.P.C. was Rs.500/- only. It is well settled that Section 125 of Cr.P.C. is a measure of social justice and specially enacted to protect women and

children. The enhancement of maintenance was made by the legislature by virtue of Criminal Amendment Act, 2001 itself and this proceeding is basically summary in nature. There is no need to adduce evidences and production of witnesses in the said proceeding as laid down in case of *Rajnesh Vs. Neha & Anr. Reported in (2021) 2 SCC 324*. In addition to that counsel for petitioner has not placed any point as mentioned in Section 19(4) of the Family Court Act relating to correctness, legality and propriety of the order.

In this view of the matter, the present Cr. Revision application is hereby dismissed.

The Principal Judge, Family Court, Begusarai is directed to do the needful for payment of the enhanced amount and issue process under Form 18 and 19 of Scheduled II of Cr.P.C., 1973 if the petitioner fails to make payment within one month from the date of production of the order before the Court.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	