

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1252 of 2018

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

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Kundan Jee @ Kundan Jha S/o Late Braj Kishore Jha, Resident of Village-
Bakhari Doa Post- Maudha, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

Rakhi Jha W/o Kundan Jee, Resident of Village- Bakhari Doa Post- Maudha,
P.S.- Patepur, District- Vaishali. at present D/o Bishawa Mohan Jha, at
Village- Subhai, P.S.- Hajipur Sadar, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 12-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. An order of maintenance passed in Maintenance
Case no.123 of 2014 by the learned Principal Judge, Family
Court, Vaishali at Hajipur dated 31.07.2018 is under challenge
in the instant criminal revision at the instance of the husband/
petitioner.

3. The learned advocate for the petitioner has mainly
disputed his income in the petition for maintenance under
Section 125 of Cr.P.C., the opposite party no.2/wife stated that
the petitioner owns about 30 acres of cultivated land and he
earns Rs.12,00,000/- per annum through agriculture. It is also
stated by the opposite party no.2/wife that the petitioner/
husband is an Instructor of J.R.N. Institute of Aviation



Technology, Delhi having his salary to the tune of Rs.80,000/- per month. It appears from the impugned order that the parties had disputed about the quantum of income of both the parties. The present petitioner in his written objection stated that his wife earns Rs.40,000/- per month from Sulabh International Bhopal Sector situated at Madhya Pradesh. However, during hearing of the case, the parties did not have any opportunity to comply with the direction of the Hon'ble Supreme Court in the case of *Rajnish Vs. Neha* passed in *Cr. Appeal No.730 of 2020 (arising out of SLP (Criminal) No.9503 of 2018)* reported in *(2021) 2 SCC 324* and none of the parties have filed affidavit of assets and liabilities.

4. Under such circumstances, I am inclined to set aside the impugned order dated 31.07.2018.

5. Lower Court records, if called for be sent it down immediately to the Trial Court.

6. Both the parties are given opportunity to file affidavit of assets and liabilities in terms of *Rajnish Vs. Neha* with regard to their income and liabilities before the Trial Court within a period of three months from the date of communication of this order. The learned Trial judge is specifically directed to disposed of the instant revision within a period of six months



from this date on the basis of states of liabilities.

7. The office is directed to intimate this order by serving a server copy of the same to the opposite party no.2 forthwith for information and necessary action.

8. Accordingly, the instant criminal revision stands disposed of.

(Bibek Chaudhuri, J)

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