

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.61 of 2023

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

=====

MAHESH PRASAD @ MAHESH PRASAD ROY S/O LATE NAND
KISHORE RAY R/o mohalla- Rayganj, Ward No. 3, P.S.- Madhubani Sadar,
District- Madhubani

... .. Petitioner/s

Versus

1. RIMA DEVI W/O MAHESH PRASAD R/v- Pramila Chowk, Jawahar Colony, P.S.- Nagar, District- Begusarai
2. RIYA KUMARI D/O SRI MAHESH PRASAD R/v- Pramila Chowk, Jawahar Colony, P.S.- Nagar, District- Begusarai
3. KRISHNA KUMAR S/O MAHESH PRASAD R/v- Pramila Chowk, Jawahar Colony, P.S.- Nagar, District- Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Dhirendra Narain Mallik
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-02-2023 ***I. A. No. 01/ 2023***

This interlocutory application has been filed for
condoning the delay in filing the revision petition.

Considering the grounds taken in the I.A. No. 01/
2023 the same is allowed and the delay of 44 days in filing the
revision petition is condoned.

Heard learned counsel for the petitioner.

This criminal revision application has been filed
against order dated 30.07.2022 passed by learned Principal
Judge, Family Court, Begusarai in Maintenance Case No. 112 of
2012 whereby and whereunder the learned Principal Judge has



allowed the petition filed by opposite parties under Section 125 Cr.P.C. and directed the petitioner to pay Rs. 8,000/- per month to opposite parties, who are wife and children of petitioner, as maintenance.

It is submitted by learned counsel for the petitioner that without assessing the income of the petitioner and considering any documentary evidence placed by petitioner, the impugned order has been passed. It is further submitted that petitioner is ready to keep his wife and children with full honour and dignity but she does not want to live with the petitioner and she left the house of petitioner without any just ground and has not been succeeded to establish the apprehension of danger to her life, therefore, she is not entitled to get maintenance from the petitioner. In support of his submission, learned counsel for the petitioner place reliance upon the judgement of Apex Court in the case of *Deb Narayan Haldar vs. Anushree Haldar* reported in *AIR 2003 SC 3174*.

Considering the facts and circumstances of the case, I am of the view that the judgement relied upon by the petitioner in the case of *Deb Narayan Haldar* (supra) is not applicable in the present case in view of the fact that there was specific finding that O.P. No.2 did not sufficient reason for staying away



from her matrimonial home whereas in this case there is finding of court below that O.P. No.2 was mentally and physically tortured for dowry and she has reasonable apprehension arising from the conduct of the husband that she is likely to be physically harmed, such an apprehension would be a reasonable justification for the wife's refusal to live with her husband.

I have carefully perused the impugned order. The monthly maintenance allowance of Rs. 8,000/- per month to wife and children of petitioner in this age of high inflation cannot be said to be on higher side or excessive in the facts and circumstances of the case as mentioned in the impugned order. The findings recorded by the court below are based on evidence.

I do not find any illegality or irregularity in the impugned order, which requires any interference by this Court.

Accordingly, this criminal revision application stands dismissed.

(Prabhat Kumar Singh, J)

BKS/-

U		T	
---	--	---	--

