

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.946 of 2017

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

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Poonam Devi wife of Shri Naresh Prasad, D/o Hridaya Nand Prasad, resident of Village- Amaithi Kala, P.S. Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

Naresh Prasad son of Late Ramakant Prasad, resident of Village- Amaithi Kala, P.S. Thawe, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Respondent/s : Mr. Satyendra Nath Shukla, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 29-04-2023 Heard learned counsel for the petitioner and learned counsel for opposite party.

This revision application has been filed against the order dated 09.03.2017 passed by learned Principal Judge, Family Court, Gopalganj in Miscellaneous Case No. 47 of 2013/ CIS No. 847 of 2013 in a proceeding under Section 125 of Cr.P.C. by which the petitioner was allowed maintenance of Rs.2,000/- and for her minor son Rs.1,000/- per month (i.e. total Rs.3,000/- per month) with effect from the date of the order.

Counsel for petitioner submits that the present application has been filed only and only for enhancement of the maintenance amount from Rs.3,000/- to Rs.15,000/-. He is not in a position to raise any question of legality, propriety and correctness in the said order.

Counsel for O.P. submits that petitioner has made a

prayer and he want to set aside the order which is in his favour but he is not raising the technical point considering that this case is between husband and wife. But he submits that the revision petition is not maintainable as question of legality, propriety and correctness are not involved here and for enhancement of maintenance amount, the law that is Section 127 of Cr.P.C. is there in which he may prefer an application before Principal Judge, Family Court, Gopalganj himself.

In the light of arguments made, this Court finds that the question of legality, propriety and correctness have not been raised by the counsel for petitioner therefore, this revision petition is dismissed with liberty that petitioner shall file an application under Section 127 of Cr.P.C. and the Trial Court upon hearing the parties shall pass order under Section 127 of Cr.P.C. without prejudice by the order passed by this Court.

With this direction, this Criminal Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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