

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.370 of 2019

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

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MOHAMMAD ABUL HASSAN Son of Late Ehsanul Haque R/o village-
Karimpur Katka, P.S.- Khiri More, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jahuran Khatoon W/O Md. Abul Hassan D/O Late Abbas Resident of
village- Karimpur Kataka, P.S.- Paliganj, District- Patna. A/P Residing at
Mohalla Jafarganj, P.S.- Jehanabad, District- Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Narbadeshwar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 15-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant revision is directed against the order dated 13.12.2018 in Maintenance Case No.2 of 2018 passed by the learned Principal Judge, Family Court, Jehanabad directing payment of interim maintenance at the rate of Rs.5,000/- per month to the opposite party no.2.

3. It is submitted by the learned advocate for the petitioner that the learned Trial Judge did not consider that the opposite party no.2 voluntarily left his house and there was no refusal or negligence to maintain the opposite party no.2 by the petitioner.



4. It is also submitted by the learned advocate for the petitioner that from his first marriage, the petitioner has four minor children besides his old ailing mother. He had to maintain his children and mother also, the learned Judge did not consider such aspect of the matter regarding the financial responsibility of the petitioner.

5. On the other hand taking into account, the case of the opposite party no.2, he passed an order directing the petitioner to pay interim maintenance at the rate of Rs.5000/- per month. According to the petitioner, the order impugned is beyond jurisdiction.

6. I have perused the record of the instant revision application, specially the written objection filed by the opposite party no.2 in the maintenance proceeding.

7. A serious allegation has been levelled against the opposite party no.2 that even after marriage, she fraudulently has been accepting widow pension due to the death of her previous husband, again she has been paying for interim maintenance from the present petitioner.

8. I have carefully considered the annexures of the instant revision application.

9. I have also heard the learned A.P.P. for the State.



10. The impugned order seems to be cryptic and devoid of any reason.

11. Considering the circumstances that the present petitioner has the responsibility to maintain his four children and mother, this Court is of the view that the amount of interim maintenance allowance should be reduced to Rs.3500/- per month.

12. The petitioner is directed to pay a sum of Rs.3500/- per month to the opposite party no.2 with effect from 24.12.2018.

13. Accordingly, the present revision application stands allowed.

(Bibek Chaudhuri, J)

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