

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.76 of 2017

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

Rabindra Nath Choubey Son of Late Devmuni Choubey, Resident of Village Choubeypur Chaklay, P.O. - P.S. Mohemmadbad, District Ghazipur U.P. at present C/o Jai Prakash Tiwari, Civil Line, P.S. Buxar T District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Devi, Wife of Rabindra Nath Choubey D/o Late Baijnath Tiwari, resident of Village Choubeypur Chakky P.O. - P.S.- Mohammadbad District Gazipur at present resident of Village- P.O. Chousa, P.S. Buxer M District Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amit Shankar
For the Respondent/s : Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 02-03-2023 This criminal revision application has been filed against order dated 18.11.2016 passed by learned Principal Judge, Family Court, Buxar in Maintenance Case No. 76 (M) of 2011 whereby the learned Principal Judge has allowed the petition filed by opposite party no. 2 under Section 125 Cr.P.C. and directed the petitioner to pay a sum of Rs. 4,000/- (four thousand) per month as maintenance to opposite party no. 2, who is wife of petitioner, and Rs. 1,000/- (one thousand) per month to her daughter till her marriage.

Learned counsel for the petitioner submits that though, opposite party no. 2 was married with this petitioner on 17.06.1991, but in the year 1996, she married with the brother of petitioner namely Santosh Choubey and out of that wedlock,



a daughter was born. He further submits that opposite party no. 2 is a lady of questionable character and the daughter was of Santosh Choubey, and therefore, in such circumstances, neither opposite party no. 2 nor her daughter is entitled to get maintenance by the petitioner. Accordingly, he makes a prayer for setting aside the impugned order.

From bare perusal of the impugned order, it is apparent that the learned Court below, after examining entire materials available on record, has come to the conclusion that opposite party no. 2 is legally wedded wife of the petitioner and the daughter was born from the wedlock. The opposite party no. 2 was driven out from her matrimonial house by this petitioner and since then, she is living with her daughter at her *Maike* (parental house) in a pathetic condition, since she is living there on mercy of her uncle, as her parents had passed away. The learned Court below, after taking into consideration each and every facts, has fixed the amount of maintenance. In this age of high inflation, the maintenance amount of Rs. 4,000/- (four thousand) per month to opposite party no. 2 and Rs. 1,000/- (one thousand) per month to her daughter till her marriage, as fixed by the learned Court below, cannot be said to be excessive. This Court does not find any illegality or perversity in the impugned



order, which requires any interference by this Court.

Accordingly, this criminal revision application stands dismissed.

(Prabhat Kumar Singh, J)

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