

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.570 of 2017

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

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Abhay Kumar S/o Suresh Prasad Kushwaha, R/o Village- Mosandi, P.S.-
Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rina Devi, W/o Abhay Kumar & D/o Ramnarayan Prasad, At present
resident of Vil- Sirha, P.S.- Sirha, P.S.- Pakridayal, District- East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Respondent/s : Mr. Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present Cr. Revision Application has been filed
against the order dated 15.03.2017, passed by the Principal
Judge, Family Court, East Champaran at Motihari in
Maintenance Case No. 172/2012 in which petitioner was
directed to pay Rs.4,000/- per month as a maintenance with
effect from the date of filing of the case i.e. 04.06.2012 as well
as to pay lump sum amount of Rs.5,000/- to the O.P. No.2 as the
cost of litigation.

Counsel for petitioner submits that the present Cr.
Revision has been filed due to the reason that petitioner is not in

a position to pay Rs.4,000/- per month to the O.P. as it is beyond his financial capacity. Learned counsel for the petitioner is not raising any question of legality, propriety and correctness in the said order/ judgment.

Learned counsel for the State submits that since 04.06.2012 to till date, the total arrears of maintenance become Rs.5,20,000/-. On putting question from the counsel for petitioner that how much he is ready to pay. Counsel submits that he has not in a position to pay even Rs.4,000/- per month then, where is the question of paying Rs.5,20,000/-.

Counsel for the petitioner submits that as per the instructions of his client, the O.P. No.2 entered into marriage with another person.

The question of marriage of O.P. No.2 is not for legal test before this court. The only question of legality, propriety and correctness of order dated 15.03.2017 passed in Maintenance Case No. 172/2012 by which Rs.4,000/- per month has been ordered to pay with effect from 04.06.2012 and Rs.5,000/- as a lump sum litigation cost is in question.

This court finds no merit in this Cr. Revision. Therefore, this Cr. Revision Application is hereby dismissed. The Trial Court/ Principal Judge, Family Court, East Champaran

is directed to do the needful and make all efforts by issuing processes under Form 18 and 19 of Schedule II of Cr.P.C., 1973 for realization of the amount for the petitioner.

With this observation, this Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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