

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.639 of 2017

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

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Md. Farooque Mansoor @ Mohammad Farookh Mansoor son of Md. Alauddin @ Alauddin, resident of Village- Baghauni, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Jannat Khatoon @ Zeenar Khatoon, Wife of Md. Farooque Mansoor @ Mohammad Farookh Mansoor, resident of Vilage- Baghauni, P.S.- Baheri, District- Darbhanga at present daughter of Md. Azad Ali, resident of Village- Baheri, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Adv.
For the State/s	:	Mr. Sri Nagendra Prasad. APP
For the O.P/s	:	Mr. Ashish Kumar Ghosh, Adv.
	:	Mr. Bajarangi Lal, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

- 3 06-04-2023 Heard learned counsel for the petitioner, learned counsel for the State and counsel for the opposite party.

The present Cr. Revision Application has been filed for setting aside the order dated 28.02.2017 passed in Maintenance Case No. 120 of 2012/ Reg. No. 220 of 2014 passed by Principal Judge, Family Court, Darbhanga by which direction was given to the petitioner to pay Rs.6,000/- to O.P. No.2 as maintenance in terms of Section 125 of Cr.P.C.

Counsel for the petitioner submits that he is submitting his argument on the point of equity that petitioner

has no capacity to pay such a huge amount to the O.P. No.2. On the question of legality, propriety and correctness, he has to say nothing but he submits that O.P. No.2 is her own earning. She has capacity to maintain herself and therefore, this fixed amount Rs.6,000/- per month be set aside.

On the other hand, counsel for O.P. No.2 submits that the Trial Court at the time of deciding this case, has ascertained about the earning of the petitioner and it transpires that the petitioner was working in Dubai and having huge earning. He submits that the payment of Rs.6,000/- is at extreme lower side and this amount must be extended upto Rs.15,000/- minimum. Counsel for the petitioner submits that he is not working in Dubai rather in Nepal.

Since the question of legality, propriety and correctness are not involved here, therefore, this court is not inclined to interfere in the said judgment. So far as the question of propriety is concerned, one thing is very clear that the petitioner was in employment in Dubai and having sufficient earning and fixing Rs.6,000/- per month to the wife of person working in Dubai is really a maintenance amount at lower side but since, the O.P. No.2 has not filed any claim/ objection in this matter. Therefore, this court is not inclined to interfere in this

order and this case is hereby **dismissed**.

It transpires that Rs.6,000/- per month has to be paid from the date of passing of the order dated 28.02.2017 and there is already a provision relating to enhancement of maintenance amount. O.P. No.2 is at liberty to make prayer before the Trial Court for the same.

(Dr. Anshuman, J.)

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