

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1165 of 2016

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

Rajesh Kumar, S/o Late Ram Krishna Mandal, Resident of Village- Fatehpur,
P.O. and P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. Shobha Devi, D/o Sri Ram Bhajan Mahto
2. Devesh Kumar, son of Shobha Devi, Both resident of Mohalla- Vivekanand Colony, Near Dream Land Child School, Rajni Chowk, Purnea, P.O., P.S. and District- Purnea, Bihar, PIN- 854301.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2023 This criminal revision application has been filed against order dated 17.09.2016 passed in Maintenance Case No. 215 of 2006 by the Principle Judge, Family Court, Purnea whereby, the petitioner was directed to pay Rs. 3,500/- per month to opposite party No. 1 (wife of the petitioner), and Rs. 3,500/- per month to opposite party No. 2 (son of the petitioner), as maintenance allowances.

It is submitted by learned counsel for the petitioner that the learned Court below has failed to appreciate the scope of Section 125 of Cr.P.C. and Sub-Section 4 of Section 125 which debars to grant maintenance to the lady who voluntarily does not want to live with her husband. He next submits that



while passing the impugned order, Court below has failed to consider the evidence led by the parties and as such, passed the mechanical order without any reasons.

Perusal of the impugned order goes to show that after marriage, opposite party No. 2 was subjected to torture in connection with demand of dowry and was finally ousted from the house.

I have carefully perused the impugned order. The monthly maintenance allowance of Rs. 3,500/- per month to opposite party No. 1 (wife of the petitioner) and Rs. 3,500/- per month to opposite party No. 2 (son of the petitioner), in this age of high inflation cannot be said to be excessive or onerous.

I do not find any error in the impugned order in the backdrop of the facts as mentioned in the impugned order.

I do not find any merit in this application. This criminal revision application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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