

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.790 of 2015

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

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Ravi Kumar Gupta Son of Late Ajgaibi Nath Gupta, Resident of Mohalla -
Tower Chowk, Saraiya Ganj, P.S. Town, P.O. Head Post Office, Distt. -
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anita Kumari Wife of Ravi Kumar Gupta, D/o Sri Amar Nath Gupta At
Present resident of Mohalla - Near Kausaliya Hotel, Sarkari Bus Stand, Ke
Samane Inlichatti, P.S. Brahampura, P.O. Muzaffarpur, District –
Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Respondent/s : Ms. Madhurilata, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 01-05-2023

Heard learned counsel for the petitioner and
learned A.P.P. for the State as well as learned counsel for the
opposite party No.2.

The present Cr. Revision Application has been filed
for setting aside the order dated 03.02.2015 passed by Principal
Judge, Family Court, Muzaffarpur in Maintenance Case No. 118
of 2014 under Section 125 of Cr.P.C. filed by one Anita Kumari
who claimed herself to be wife of petitioner Ravi Kumar Gupta
from whom they have one son namely Aditya Kumar, by which,
a direction was given to the petitioner that he will pay
Rs.6,500/- per month to the opposite parties as maintenance



amount under Section 125 of Cr.P.C.

Learned counsel for the petitioner submits that petitioner admits the marriage but soon after marriage he was started torturing her wife for dowry.

Learned counsel for the petitioner further submits that his wife has blessed with son namely Aditya Kumar. He submits that petitioner is doing business of supply of mineral water. He also submits that opposite party No.2 has unnecessarily filed petition under Section 125 of Cr.P.C. whereas the petitioner has filed a divorce case and, therefore, he submits that the maintenance application be rejected in the light that divorce case has been withdrawn.

Learned counsel for the opposite party No.2 submits that petitioner is well aware about the filing of maintenance case and with a view to take wrong advantage, he himself not opted to appear in spite of several notices. He further submits that in the matrimonial case, six witnesses were examined and all supported the case of opposite party No.2 and then only the order of maintenance was directed to be paid by Ravi Kumar Gupta by way of payment of Rs.5,000/- per month for her maintenance and Rs.1,500/- for maintenance of her minor son namely Aditya Kumar thus the petitioner has to pay



Rs.6,500/- per month. He further submits that the order of payment of maintenance may be made in her account. He also submits that this is a case of the year 2014 and even after passing order from the Principal Judge, Family Court she is not receiving a single penny, hence, in this view of the matter that petitioner is well aware about the order as divorce and maintenance was parallely going on, it has also come that petitioner Ravi Kumar Gupta is doing business of mineral water selling through N.G.O. and his earning was about 35 to 40 thousands per month.

Counsel for the petitioner submits that petitioner is continuously paying the money per month whereas counsel for the opposite party No.2 submits that the payment of maintenance amount is extremely irregular.

In the above mentioned facts and circumstances and the submissions made above that there was divorce and maintenance both cases are pending and petition under Section 498-A of Cr.P.C. is also pending, this Court is of the view that the petitioner has knowledge of all the cases and failed to raise question of legality, correctness and propriety, therefore, not inclined to interfere in the decision made by the Principal Judge, Family Court, Muzaffarpur vide order dated 03.02.2015.



In this view of the matter, the present Cr. Revision Application stands dismissed.

Principal Judge, Family Court, Muzaffarpur is directed to expedite the matter for realization of the decretal amount from the petitioner including issuance of process under Form 18 & 19 of Schedule II of Cr.P.C., 1973 as well as steps described in the case of *Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar & Ors.* reported in *2023 (1) PLJR 756*.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

