

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1269 of 2016

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

Hiralal Sharma son of late Dhruv Narayan Sharma @ Dhup Narayan, resident of village Khairaha, P.O. Dalippur, Police Station Dhangai, District Bhojpur at present resident at K.R. Bose Road, Shanti Nagar, Barnpur, Police Station Hirapur District Bardwan West Bengal.

... .. Petitioner/s

Versus

1. Tulsi Devi and Anr wife of Hira Lal Sharma, resident of village Khairaha, P.O Dalippur, Police Station Dhangai, District- Bhojpur.
2. The State of Bihar

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Ataur Rahman, APP
		Mr. Rajendra Singh, Advocate
		Ms. Malti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 09-10-2023 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No.1 and learned counsel for the State.

2. Petitioner in the present case is aggrieved by and dissatisfied with the judgment dated 05.11.2016 passed in Miscellaneous Case No. 62 of 2012 whereby and whereunder upon consideration of an application under Section 127 Cr.P.C. filed on behalf of the Opposite Party No. 1, the learned court has been pleased to direct the present petitioner to pay a sum of Rs. 5,000/- per month from the date of institution of the case i.e. from 23.05.2012 towards maintenance to the Opposite Party



No.1. The arrear of maintenance is to be paid in three equal installments at the quarterly rest.

3. From perusal of the impugned judgment it appears that the relationship between the parties is admitted. The petitioner is husband of Opposite Party No.1. Earlier, the parties developed some matrimonial discord as a result of which the Opposite Party No.1 filed an application seeking maintenance which was allowed in the year 1996. A direction was issued to the petitioner to pay a sum of Rs. 500 as maintenance.

4. The Opposite Party No.1 filed an application in the year 2012 seeking enhancement in the maintenance amount. Her case was supported by her son P.W.-1 Raju Sharma and another witness, namely, Baleshwar Prasad Singh also came in support of her case. The Opposite Party No. 1 contended before the learned Principal Judge, Family Court, Bhojpur that the amount of Rs. 500/- is too meager and it is not possible to get even two times meal with the said meager amount of Rs. 500/- per month.

5. Learned Presiding Officer, Family Court, Bhojpur considered the case of the parties. This petitioner was also heard and after considering the materials on the record, the court came to a conclusion that this petitioner was doing a job in steel plant and at the time of retirement he was getting Rs. 54,000/- as



monthly salary. The petitioner also received a retiral benefit of Rs. 17,50,000/- which he claims to have spent in construction of two house at different places. The petitioner had not transferred any land to his wife-O.P. No.1. On going through the materials on the record, the court concluded that the case of the petitioner that he was getting only Rs. 2,153/- on account of pension is not believable and it only showed that the petitioner was concealing his monthly pension. The court concluded that over the period price index has gone up and a meager sum of Rs. 500/-, which was awarded in the year 1996, cannot be said to be a reasonable amount. The court had accordingly allowed a sum of Rs. 5,000/- per month as maintenance with effect from the date of the application.

6. Learned counsel for the petitioner has though assailed the impugned judgment on the ground that the learned Presiding Officer could not appreciate that the petitioner was getting only a sum of Rs. 2,153/- as pension amount, this Court cannot accept such bald submissions. It is evident from the records that despite time granted to the petitioner to file statement of his bank account for the period since 2012 to 2023, the petitioner has chosen not to file the same.



7. This Court is of the opinion that considering the present day's price index and the minimum amount which a lady like the Opposite Party No.1 in the present age would require to meet her two times meal and take care of her other medical needs, the amount of Rs. 5,000/- cannot be said to be unreasonable or excessive amount. The impugned judgment needs no interference from this Court.

8. This criminal revision has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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