

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.937 of 2016

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

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Neeraj Kumar Son of Sri Ramvilash Singh, Resident of Village - Katarmala,
P.S. - Neema Chandpura, District - Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Baby Devi Wife of Neeraj Kumar, Daughter of Nrip Nandan Kunwar
Resident of Village - Gokhale Nagar, Bishnupur, P.S. - Ballia, District -
Begusarai, At present Resident of Chamariya Maidan, P.S. - Ballia, District -
Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mr. Sri Nand Kumar, APP
For the O.P. No.2	:	Mr. Rai Mukesh Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-03-2023

Heard learned counsel for the petitioner, learned counsel
for the State Mr. Nand Kumar and learned counsel for the
Opposite Party Mr. Rai Mukesh Sharma.

The present criminal revision application has been filed
against the order dated 08.06.2016 passed by Mr. A.N. Jha,
Principal Judge, Family Court, Begusarai in Maintenance Case
No. 94M/2011 by which Principal Judge has directed the

petitioner to pay a sum of Rs. 4000/- per month for maintenance to the O.P. No.2 and Rs.1000/- per month for each of the minor child i.e. Rs.2000/-, the whole amount of Rs.6000/- has been directed to pay to the petitioner from the date of order i.e. w.e.f. 08.06.2016.

In the said order it has also been mentioned that the payment of maintenance be made on 10th of every month and the order of payment shall remain operative till the life time of O.P. No.2 or till re-marriage whichever is earlier and in case of children the payment shall operate till they attain majority. Payment of litigation cost is directed to be made within two months from the date of this order.

Counsel for the petitioner fairly submits that the present case in which he has moved before this Court is Criminal Revision under Section 19(4) of the Family Court Act, 1984 are categorically states as follows:

“The High Court may, of its own motion or otherwise, call for and examine the record of any proceeding in which the Family Court situate within its jurisdiction passed an order under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) for the purpose of satisfying itself

as to the correctness, legality or propriety of the order, not being an interlocutory order, and as to the regularity of such proceeding.”

Learned counsel for the petitioner further submits that the petitioner has filed this criminal revision application only to minimize the maintenance amount. Upon specific query of the Court that is there any question of correctness, legality or propriety in the order impugned, counsel submits that he is not raising those points before this court but only on the point of financial condition of the petitioner, he wants to minimize the maintenance amount.

Counsel for the opposite party no.2 submits that till date she is not received a single penny from the petitioner.

Upon going through the impugned order the legal issues are well framed as well as well discussed and answered after which the Court has reached on the conclusion that petitioner is entitled for such payment. The question of correctness, legality and propriety has also not been raised by the petitioner which is essential for applicability of Section 19(4) of the Family Court Act, 1984.

In this view of the matter, I am hereby dismissing this criminal revision application and directing the Principal Judge,

Family Court to implement the order in accordance with the provision in law, using Form 18 & 19 of Schedule II of Cr.P.C., 1973.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	