

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.168 of 2018

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

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SUJIT SINGH @ SUJIT SINGH YADAV @ SUJIT KUMAR S/o Manoj Singh Yadav, R/o Village- Bara, P.S.- Ghahamar , District- Ghazipur U.P. at present Nai Bazar Buxar, P.S.- Buxar T0, District- Buxar.

... .. Petitioner/s

Versus

Muntun Kumari W/o Sujit Singh @ Sujit Singh Yadav, R/o Village- Bara, P.S.- Ghahamar, District- Ghazipur at present D/o Rambachan Yadav, R/o Musafirganj, P.S.- Buxar Nagar, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 25-09-2023 1. Heard learned counsel for the parties.
2. The petitioner has filed the present revision application, being aggrieved by the judgment dated 14.12.2017, passed in Maintenance case no. 67(M) of 2012 under Section 125 Cr.P.C. by the learned Principal Judge, Family Court, Buxar, by which a sum of Rs. 3,000/- per month has been awarded as maintenance in favour of the petitioner's wife i.e. the opposite party from the date of the order.
3. The brief facts of the case giving rise to this revision application is that the marriage between the parties were solemnized according to Hindu rites and customs. The opposite party, immediately after marriage, was subjected to



torture for the demand of dowry and since the year 2009, she has been residing with her parents. She was not given any food to eat and was left to starvation in her matrimonial home, as such, the father of opposite party came and took her back to her parental home. The claim of the wife is that the petitioner is earning Rs. 30,000/- per month from dairy business, Rs. 50,000/- per month from cattle business and Rs. 50,000/- annually from 7 bighas of land. She claimed Rs. 10,000/- as maintenance.

4. Learned counsel for the petitioner submits that petitioner is ready to keep his wife but opposite party is usually going to her parental home with her father. He further submits that the wife of the petitioner, on her own sweet will, is not ready to live with the petitioner, as such, she is not entitled for maintenance under Section 125 Cr.P.C. He next submits that the petitioner had filed a Matrimonial case no. 177 of 2011 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. Petitioner is a truck khalasi (cleaner) and earns Rs. 2,500/- per month only.

5. After having heard the learned counsel for the parties and gone through the materials available on record, it appears that three witnesses were examined from the side of



opposite party including herself and four witnesses have been examined from the side of the petitioner. The opposite party-wife has supported her case and has stated in her deposition that she was subjected to harassment, torture and cruelty and was ousted from her matrimonial home for not fulfilling the demand for dowry but again after compromise, she went to her matrimonial home but returned back in September, 2009 due to torture meted out to her. She is not ready to live with her husband as she has apprehension about her safety. Upon appreciation of evidence, the learned Family Court, Buxar came to the conclusion that the parties are legally married couple, no amount of maintenance is being paid to the wife and the petitioner has neglected his wife. Wife is an unemployed lady and has no source of income. The witnesses have supported the allegation of torture and dowry, as such, she has a reasonable cause to live separately. Reference in this regard be had to the judgment rendered by the Hon'ble Apex Court in the case of ***Chaturbhuj v. Sita Bai*** reported in ***(2008) 2 SCC***, in which the Hon'ble Apex Court has held that *the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing and shelter by a speedy remedy.*



6. In view of the aforesaid and in view of the fact that meager amount of Rs. 3,000/- has been awarded as maintenance, I do not find any reason to interfere with the impugned order, hence, the present revision application stands dismissed.

(Anil Kumar Sinha, J)

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