

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.375 of 2017

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

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Ramesh Prashad Son of Haridwar Prashad, Resident of Village- Kandwa,
P.S.- Kandwa, District- Chanduli U.P.

... .. Petitioner/s

Versus

1. Kiran Devi and Anr Wife of Ramesh Prasad,
2. Abhishek Kumar, Son of Ramesh Prasad, Resident of Village- Kandawa,
District- Chandauli U.P. at present Pachgai, P.S.- Ramgarh, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL JUDGMENT

Date : 04-02-2023

None appeared on behalf of the petitioner.

2. The present criminal revision is being filed for setting aside the order dated 24.12.2016 passed by learned Family Court, Principal Judge, Bhabua, District- Kaimur in Maintenance Case No. 118 of 2010, whereby and whereunder the learned Family Court has held the petitioner liable to pay Rs. 2000/- to his wife and Rs. 1000/- for his son as maintenance, on monthly basis.

3. It appears that the maintenance case before the



learned Family Court was filed in 2010 itself against which the present criminal revision petition was preferred in 2017.

4. The matter was taken on Board, first time today but none appeared on behalf of the petitioner, on repeated calls.

5. The court is having of two options, either to dismiss this case in default giving a space to petitioner to seek restoration of case and again to keep this litigation alive, where opposite party is struggling for her maintenance, the 2nd option as available to this Court is to go through the records of the case and to take an appropriate view on the basis of materials available on the records and legal provisions as applicable to the given set of facts and circumstances.

6. The court, after considering both as discussed above choosed, the 2nd option by taking note of ultimate object of law as to save the opposite party from the hand of destitution, as therefore perused the records of the case to take an appropriate view on the basis of materials available on the records and legal provisions as applicable to the given set of facts and circumstances, for just and equitable decision.

7. It appears from impugned order that the witnesses were examined from both side, that is petitioner and opposite parties before the learned Family Court, where almost all



witnesses supported the fact that opposite party is legally wedded wife of the petitioner. It also appears that O.P.W. No. 4, who is none but petitioner himself, admitted his marriage with opposite party, he also admitted to have a minor son, aged about 04 years out of present wedlock.

8. From the exhibits, it appears that the income of petitioner is about Rs. 8,000/- per month, beside agricultural income of Rs. 1,00,000/-. It further appears that nothing substantial advanced suggesting the earning of opposite party before learned Trial Court, convincing that she is capable to maintain herself and minor son.

9. Considering in totality as above, and by taking note of the prime object of law as laid down under section 125 of the Cr.P.C. to save the opposite party from the hand of destitution, where amount as allowed for maintenance for opposite party and her minor son is appearing very meager amount, this Court find, no apparent reason to interfere in the impugned order.

10. The learned Family Court, Bhabua is directed to recover all the arrears amount in terms of impugned order from petitioner/husband, at the earliest and to take all appropriate steps to make it available to opposite party preferably within



eight weeks.

11. Accordingly, the present criminal revision petition is devoid of any merit and same stands disposed of.

(Chandra Shekhar Jha, J)

Archana/-

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CAV DATE	
Uploading Date	
Transmission Date	

