

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.529 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Lakhisarai

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Mukesh Kumar Chaudhary S/O- Mahendra Chaudhary Village- Sahmalpur
PS- Kajra Dist- Lakhisarai Currently working on the post of Constable in RPF
at Puri Railway Station, Orissa

... .. Petitioner

Versus

Nitu Rani wife of Mukesh Kumar Chaudhary, D/o- mantu Chaudhary Village-
Sahmalpur PS- Kajra Dist- Lakhisarai, Currently R/o- Mohalla English, Ward
no-4, PS-Dist- Lakhisarai

... .. Respondent

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Appearance :

For the Petitioner/s : Ms. Alka Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-10-2023

I.A. No. 1 of 2023

There is a delay of approximately sixty one days in
filing of the revision application.

2. For the reasons stated in the Interlocutory
Application No.1 of 2023, this Court condones the delay.

3. The I.A. No. 1 of 2023 stands disposed of.

4. The matter has been heard on merit.

5. Heard learned counsel for the petitioner.

6. Petitioner in this case is aggrieved by and
dissatisfied with the order dated 13.09.2022 passed by learned
Principal Judge, Family Court, Lakhisarai in Maintenance Case
No. 08 of 2019 by which the learned court has been pleased to



direct the petitioner to pay a maintenance amount of Rs. 15,000/- per month to the sole opposite party, who is his legally wedded wife.

7. Learned counsel for the petitioner has assailed the impugned order on the ground that the learned court below has awarded maintenance without taking into consideration the fact that the petitioner has to maintain his parents on whom he is spending a sum of Rs. 10,000/- per month. It is also submitted that the wife of the petitioner left her and went to reside with her parents. It is stated that she does not allow the petitioner to look after his minor son and daughter.

8. Learned counsel for the petitioner submits that the petitioner is presently posted as a Constable in the Railway Protection Force. It is not in dispute that the marriage between the petitioner and the opposite party was solemnised as arranged marriage on 06.07.2011 in accordance with Hindu Rites and customs. The opposite party has alleged that she was being tortured by the petitioner for which she had lodged Lakhisarai P.S. Case No. 150 of 2017 under Sections 341, 323, 307, 498A, 506 and 34 of the Indian Penal Code. The petitioner was arrested in connection with the said case whereafter a compromise was reached between the parties and the petitioner



was released on provisional bail.

9. This Court finds from the pleadings and the evidence on the record that in the court of learned Principal Judge, Family Court, petitioner deposed that the opposite party is his wife and he has got one son and one daughter from the opposite party. He has admitted that he works as a Constable in the Railway Protection Force, however, he claims that he was getting only a sum of Rs. 25,000/- as salary per month out of which he was spending Rs. 10,000/- towards maintenance of his parents and he was further depositing a sum of Rs. 2,000/- under the Sukanya Scheme and Rs. 5,000/- as life insurance premium under the Postal Life Insurance Scheme. The petitioner, though claims that his wife was earning a sum of Rs. 15,000/- per month from the stitching work but he could not produce any evidence to support his case that his wife was earning.

10. This Court further finds that the petitioner has got a daughter who was eight years old and a son who was seven years old at the relevant time but he was not aware of the fact that as to in which class and school his son and daughter were studying.

11. In course of his cross-examination, the petitioner was confronted on the point of his salary and it was suggested to



him that he gets Rs. 60,000/- per month as salary which the petitioner denied and stated that his salary goes in his bank account and he can produce the statement of the account to show what comes as salary in the account.

12. This Court finds that the petitioner did not produce his bank statement to show the correct amount of salary, therefore non-submission of the bank statement by the petitioner would compel this Court to draw an adverse inference against him.

13. In the totality of the circumstances, considering the kind of salary the petitioner has from his service, this Court finds no reason to interfere with the impugned order.

14. This revision application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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