

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.545 of 2017

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

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Amit Kumar Singh Son of Sunderdeo Singh, Resident of Villlage- Budhwa,
Police Station- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

Krishna Kumari Singh D/o Madan Mohan Singh, Resident of Village- Bhela
Nari, Police Station- Govindganj, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-02-2023 This criminal revision application has been filed against order dated 02.02.2017 passed by learned Principal Judge, Family Court, Motihari (East Champaran) in Maintenance Case No. 186 of 2007 whereby the learned Principal Judge has allowed the petition filed by opposite party under Section 125 Cr.P.C. and directed the petitioner to pay Rs. 6,000/- (six thousand) per month to opposite party, who is wife of petitioner and her daughter, as maintenance.

It is submitted by learned counsel for the petitioner that petitioner has already divorced opposite party, vide Divorce Case No. 40 of 2008, and decree of divorce was passed on 25.11.2008 and as such, she (opposite party) is not entitled to get any maintenance from the petitioner. It is next submitted that



opposite party has already fled away with one Jitendra Kumar Rana, for which, father of opposite party had filed a complaint, vide Complaint Case No. 550 of 2006 in the court of learned Chief Judicial Magistrate, Hazaribagh, which was referred to police under Section 156(3) Cr.P.C. for investigating and registering F.I.R. and thereafter, Ramgarh P.S. Case No. 254 of 2006 was lodged under Sections 363/366/497/498 of the Indian Penal Code (Annexure – 2).

It is pertinent to point out that Explanation (b) to Section 125(1) of the Cr.P.C. expressly enacts that “wife” includes a woman who has been divorced and has not remarried and as such, her monthly maintenance allowance cannot be refused on the ground that she is divorced.

From bare perusal of the impugned order, it is apparent that the learned Court below, after taking into consideration the entire materials, has fixed the amount of maintenance. In this age of high inflation, the maintenance amount of Rs. 6,000/- (six thousand) per month, as fixed by the learned Court below, cannot be said to be excessive.

This Court does not find any illegality or perversity in the impugned order, which warrants any interference by this Court and accordingly, this criminal revision application stands



dismissed.

(Prabhat Kumar Singh, J)

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