

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.35 of 2017

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

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Shafique Ahmad S/o Asafak Ahmad, Resident of Village- Marhipur H. No.5, Madarsa Road, Muzaffarpur, P.S.- Muzaffarpur, District- Muzaffarpur, at present resident of Mohalla- S.K. H. 08 Topsiya Second Lane, P.S.- Tiljala, Kolkata-39.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shaba Praveen, D/o Md. Shahnabaj Alam, W/o Shafique Ahmad,
3. Md. Minatullah Minor of Shaba Praveen S/o Shafique Ahmad, Both resident of Village- Dumrail, Ward No.33, P.S.- Saharsa, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Respondent/s : Mr.Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-02-2023 **I.A. No. 44/ 2017**

The instant I.A. has been filed for condoning the delay in filing this revision petition.

Considering the grounds taken in the I.A. , the delay in filing the revision petition is condoned.

I.A. No. 44/ 2017 stands allowed.

Heard learned counsel for the petitioner.

This criminal revision application has been filed against order dated 24.02.2016 passed by learned Principal Judge, Family Court, Saharsa in Misc Case No. 99 of 2014 whereby and whereunder the learned Principal Judge has



allowed the petition filed by opposite parties under Section 125 Cr.P.C. and directed the petitioner to pay Rs. 4,000/- per month to opposite party no. 1, who is wife of petitioner, and Rs. 1,000/- per month to opposite party no. 2, who is minor son of petitioner, as maintenance from the date of filing of maintenance case.

It is submitted by learned counsel for the petitioner that without assessing the income of the petitioner and considering any documentary evidence placed by petitioner, the impugned order has been passed. It is further submitted that order is ex- parte and without giving opportunity to the petitioner to pursue his case the impugned order has been passed.

From perusal of paragraph 3 of the impugned order, it appears that notices were duly served upon the petitioner but he did not choose to appear before the court.

I have carefully perused the impugned order. The monthly maintenance allowance of Rs. 4,000/- per month to wife of petitioner and Rs. 1,000/- per month to minor son of petitioner in this age of high inflation cannot be said to be on higher side or excessive in the facts and circumstances of the case as mentioned in the impugned order. The findings recorded



by the court below are based on evidence.

I do not find any illegality or irregularity in the impugned order, which requires any interference by this Court.

Accordingly, this criminal revision application stands dismissed.

(Prabhat Kumar Singh, J)

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