

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.466 of 2017

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

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Kamal Kumar Singh Son of Hari Nath Singh, Resident of Village- Mahdah,
P.S.- Buxar, District- Buxar.

... .. Petitioner/s

Versus

Suprinka Kumari Wife of Kamal Kumar Singh, D/o Dr. Ashok Kumar Singh,
Resident of Village- Mahdah, P.S.- Buxar, District- Buxar. At present residing
at Village- Sangam Toal, P.O.- Jagdishpur, P.S. - Jagdishpur, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Siya Ram Shahi
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-02-2023 This criminal revision application is directed against

the judgment dated 18.02.2017 passed by Principal Judge,
Family Court, Bhojpur, Ara in Misc.(Maintenance) Case No.
166 of 2011 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. 5,000/- (five thousand) per
month to opposite party who is wife of petitioner, as
maintenance.

It is submitted on behalf of petitioner that petitioner
has already divorced opposite party, vide Matrimonial Case No.
123 of 2011 and decree of divorce was passed on 23.01.2016
and as such, opposite party is not entitled to get any
maintenance from the petitioner.



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. 5,000/- (five 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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