

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.144 of 2023

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

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BINOD PRASAD GUPTA @ VINOD KUMAR GUPTA Son of Late Gauri Shankar Prasad Gupta Resident of Village - Sarsi, Police Station - Sarsi, District - Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Doli Devi @ Dolly Devi Wife of Sri Binod Prasad Gupta @ Vinod Kumar Gupta Resident of Village - Sarsi, Police Station - Sarsi, District - Purnia, Present Address D/o Sri Om Prakash Gupta, Resident of Mohalla - Purnai Bazar, Ward No.- 13, Madhepura, P.S. and District - Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Respondent/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 19-09-2024

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. This revision petition has been preferred by the applicant being aggrieved with the order dated 23.12.2022 passed in Misc. (Maintenance) Case No. 16 of 2017 by the learned Principal Judge, Family Court, Madhepura, whereby and whereunder the learned Family Court while allowing the application filed under Section 125 of the Cr. P.C. submitted by the opposite party-wife directed the petitioner to pay Rs. 5000/- per month maintenance to the opposite-party/wife and further



pay Rs. 2,500/- each to the minor children of opposite party/wife i.e. total Rs. 10,000/- per month as maintenance.

3. Learned counsel for the petitioner submits that he does not want to argue the matter on merit and confine his argument only on the quantum part of the maintenance.

4. It is submitted by learned counsel for the petitioner that petitioner is a daily wage labour and unable to pay maintenance amount as awarded by the Family Court, since he has no sufficient means to pay the above maintenance to the opposite party/wife. According to the learned counsel, keeping in view the income of the applicant, the amount of maintenance is too high, which should be reduced.

5. Perused the impugned order and also the other materials available on the record.

6. From perusal of the impugned order, it appears that the petitioner is working as a helper with an electrician, meaning thereby, petitioner is a skilled labour. Therefore, it can rightly presume by the Family Court that he is able to earn at least Rs. 15,000/- per month.

7. The above finding recorded by the Family Court appears to be just and proper and the amount of maintenance awarded by the Family Court also appears to be just and proper.



Therefore, I do not find any merit in the revision petition.

8. Accordingly, the revision petition is dismissed
having no merit at the stage of admission itself.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2024
Transmission Date	23.09.2024

