

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL REVISION No.213 of 2019

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

TANIK RAM Son of Late Banwari Ram Resident of Village - Kasmara, P.S.-
Rupau, Distt.- Nawada.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Radha Devi W/o Tanik Ram Resident of Village - Kasmara, P.S.- Rupau,
Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Respondent/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

4 19-02-2024 Heard learned advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. An order of maintenance passed by the Principal Judge, Family Court, Nawada directing the petitioner to pay maintenance at the rate of Rs.5,000/- per month to his wife in Maintenance Case No.91 of 2015 dated 04.12.2018 is under challenge in the instant revision at the instance of the opposite party/husband/petitioner herein.

3. It is contended on behalf of the present petitioner that the opposite party no.2 previously filed a case under Section 498A of the I.P.C. against the present petitioner and his second wife. The said case was disposed of on the basis of a compromise and it was settled that the opposite party no.2 will get the landed property of the petitioner situated at Kashmara



village and the opposite party no.2 with the help of her son would cultivate the said land and handover half of the usufructs to the second wife of the petitioner.

4. However, the opposite party no.2 is not giving the share as per the compromise to the second wife of the present petitioner. In support of his case, the petitioner personally did not lead any evidence. On the contrary one Ravi Singh was examined as OPW-1 and the second wife of the present petitioner, namely, Reshma Devi deposed as O.P. No.2.

5. Since, the petitioner himself did not come forward to rebut the case of the opposite party no.2 in the Trial Court, evidence of other witnesses on behalf of the petitioner was rightly not considered.

6. The learned Trial Judge on due consideration of materials available on record passed the impugned order directing the petitioner to pay maintenance at the rate of Rs.5,000/- per month in favour of opposite party no.2 who is the legally married wife of the petitioner.

7. I do not find any illegality or impropriety in the impugned order, therefore, the instant revision is dismissed.

(Bibek Chaudhuri, J)

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