

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.206 of 2024

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

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MUKESH KUMAR SHARMA S/O LATE MITHU THAKUR R/O
VILLAGE- JALA, P.S- SIKANDRA, DISTT.- JAMUI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SOMINA DEVI W/O MUKESH KUMAR SHARMA R/O VILLAGE-
JAJAL, P.S- SIKANDRA, DISTT.- JAMUI. D/O PRAKASH THAKUR OF
VILLAGE- SIKERIA, P.S AND DISTT.- JAMUI.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 24-07-2024 **Interlocutory Application No. 01 of 2024**

This interlocutory application has been filed for
condonation of delay in filing the revision application, which is
barred by 36 days.

2. Heard.

3. For the reasons stated in the application, delay in
filing the revision application is condoned.

4. Interlocutory Application stands allowed.

Cr. Revision No. 206 of 2024

This revision petition has been preferred by the
petitioner being aggrieved with the judgment/order dated
30.10.2023 passed by the learned Principal Judge, Family Court,



Jamui in Maintenance Case No. 32M of 2018, whereby and whereunder the learned Family Court while allowing the application submitted under Section 125 Cr. P.C. directed the petitioner to pay monthly maintenance amount of Rs. 3,500/- to Opposite Party No. 2, wife.

2. Heard learned counsel for the petitioner and learned counsel appearing on behalf of respondents.

3. Perused the impugned order and the documents annexed with the revision petition.

4. Undisputedly, the opposite party no. 2 is a legally wedded wife of the petitioner and has been residing separately since 2017. Bare perusal of the impugned order further shows that initially a complaint case was filed against the petitioner which relates to Dowry Prohibition Act and further after filing of the maintenance petition under Section 125 Cr. P.C., the petitioner herein filed a petition under Section 9 of the Hindu Marriage Act, which is still pending. The Trial Court (Family Court) on the basis of the evidence available on the record arrived at the conclusion that Opposite Party No. 2 wife is residing separately with sufficient cause.

5. The above finding recorded by the Family Court is based upon the evidence available on record which is not



perverse and contrary to the record.

6. With regard to the quantum of maintenance amount is concerned, the petitioner himself admitted the fact that he is working as manual labourer.

7. Looking into the above facts and circumstances of the case, the maintenance amount of Rs. 3500/- appears to be just and proper.

8. Resultantly, I do not find any merit in the revision petition. Accordingly, the revision petition is dismissed at the stage of admission itself.

(Arvind Singh Chandel , J)

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