

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.388 of 2024**

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

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Kunal Giri @ Kunal Kumar S/O Late Vimal Giri R/O Village-Rampur
Khajuriya, P.S.- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari @ Punam Devi @ Pushplata D/O Shambhu Giri R/O
Village-Bhuwali Dih, P.S.-Rajepur, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv, Mr. Hemant Ray, Adv.
For the Respondent/s	:	Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

6 22-10-2024 With the consent of both the parties, heard finally.

2. This revision petition has been preferred by the petitioner (husband) being aggrieved with the judgment dated 07.02.2023 passed by the learned Principal Judge, Family Court, East Champaran, Motihari in Maintenance Case No. 183 of 2021 whereby and whereunder the learned Family Court allowed the application of the O.P. - Wife filed under Section 125 of Cr.P.C. and directed the petitioner to pay a monthly maintenance amount of Rs. 6,000/- to the O.P. - Wife from the date of submission of the application of maintenance.

3. Undisputedly, the O.P. is the legally wedded wife of the petitioner and is residing separately in her maika. There is



also no dispute on the point that out of their wedlock two children were born and at present they are residing with the petitioner.

4. Learned counsel of petitioner submit that O.P.-Wife is residing separately without any reasonable cause therefore, she is not entitled to get any maintenance amount from the petitioner but, the learned Family Court has not considered this aspect and passed the order of maintenance which is liable to be set aside on this ground only.

5. Learned counsel for O.P.-Wife opposes the argument raised by the counsel for the petitioner.

6. Heard both the counsels, perused the impugned order as well as the materials available on record.

7. Perusal of the record clearly shows that after filing the maintenance case the petitioner (husband) appeared before the Family Court but, he did not filed his show cause, he also did not produce any witness in the court nor examine himself as a witness though, he cross-examined the witnesses of O.P.-Wife.

8. Considering the statement of the O.P.-Wife and her witnesses, the Family Court arrived on the conclusion that O.P.-Wife has sufficient cause to reside separately from the petitioner



(husband). The above finding recorded by the Family Court is based upon the evidence available on record. The statement of the O.P.-Wife is also not duly rebutted by the petitioner. He also failed to produce any evidence in his support before the Family Court. Thus, the learned Family Court has rightly arrived on the conclusion that the O.P.-Wife is residing separately with sufficient cause.

9. With regard to the quantum of maintenance amount is concerned para 5 of the impugned judgment clearly shows that on the basis of the unrebutted statement made by the O.P.-Wife, the learned Family Court arrived on the conclusion that since there is sufficient means to maintain the O.P.-Wife. The Family Court ordered the petitioner to pay a monthly maintenance amount of Rs. 6,000/- which is in considered view of this Court also appears to be just and proper.

10. Resultly, I do not find any ground in this revision petition. Accordingly, this revision petition is dismissed having no merit at the admission stage itself.

(Arvind Singh Chandel , J)

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