

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.657 of 2019

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

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Puja Devi Wife of Rajeev Ranjan, D/o- Late Mahesh Prasad Resident of
Village - New Chandmari, Aanand Marg Road, Motihari, P.S.- Motihari,
District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajeev Ranjan Son of Harinandan Prasad Resident of Village - Anand Marg
Road, Motihari, P.S.- Nagar Thana Motihari, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For O.P. No. 2	:	None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-10-2024 Heard learned counsel for the petitioner and learned

APP for the State. However, nobody is present on behalf of O.P.

No. 2 despite valid service of notice.

2. The present Criminal Revision petition has been

preferred by the petitioner against the impugned order dated

05.01.2019 passed in Maintenance Case No. 336 of 2015,

whereby learned Principal Judge, Family Court, East

Champaran, Motihari has granted maintenance @ Rs. 2,000/-

per month to the petitioner-wife and Rs. 1,000/- per month to

her child under Section 125 Cr.PC.

2. Learned counsel for the petitioner submits that this

amount is inadequate in view of the income of O.P. No. 2/



husband of the petitioner.

3. However, learned APP for the State defends the impugned order submitting that there is no illegality or impropriety in the impugned order and the revision petition is liable to be dismissed.

4. I perused the relevant materials on record considered the submissions advanced by both the parties and.

5. I find that it is not in dispute that the petitioner is legally wedded wife of O.P. No. 2 and the child is born out of the wedlock. It also transpires that the husband/O.P. No. 2 is neglecting to maintain his wife and child who are living separately from him. It has also come on record that the petitioner-wife and her child have no means to maintain themselves. However, the petitioner-wife has not been able to produce any document or cogent evidence in support of income of the husband, who is O.P. No. 2., though she has claimed that O.P. No. 2/husband is a ITI trained person and his earning is Rs. 18, 000/- per month. However, in course of evidence, she has not able to produce any cogent evidence in support of her claim and as per the evidence of O.P. No. 2, he is unemployed. However, learned Family Court awarded maintenance @ Rs. 2,000/- per month to the wife/petitioner herein and the child,



who is living along with her @ 1,000/- per month.

6. As per the material on record, I find that there is no illegality or impropriety in the impugned order.

7. Accordingly, the present petition is dismissed being shorn of merit.

8. However, the petitioner is at liberty to move application under Section 127 Cr.PC for enhancement of the maintenance amount in view of changed circumstances, with proof of income of O.P. No. 2/husband.

(Jitendra Kumar, J)

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