

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.794 of 2019

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

Tamanna Khatoon, Wife of Mohammad Shah Alam, D/O- Md. Samsuddin Ansari @ Samsuddin Ansari Resident of Village - Kothi Jagriha, P.S.- Ghorasahan, District- East Champaran. At present residing in Village - Laxmipur, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Shah Alam Ansari Son of Md. Usuf Ansari Resident of Village - Kothi Jagiraha, P.S.- Ghorasahan, District- East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Respondent/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 12-01-2024 1. The Applicant of Maintenance Case No. 164 of 2016, under Section 125 Cr.P.C., filed before the learned Principal Judge, Family Court, East Champaran, Motihari, is the petitioner before this Court by filing a criminal revision, assailing the Judgment and Order, dated 4th April, 2019, whereby the application under Section 125 of the Cr.P.C was dismissed on contest.

2. The learned Trial Judge dismissed the application under Section 125 of the Cr.P.C., on the ground that the petitioner is an *Agnwari Sevika* and earns Rs. 3,500/- to 4,000/- per month as her salary and with the said money she could maintain herself. Thus, the petitioner has sufficient means



to maintain herself.

3. The said order is under challenge on the ground that the petitioner is not in a position to maintain herself by her meagre salary of Rs. 3,500/- to 4,000/-. Secondly, the learned Trial Judge failed to consider that the Opposite Party No. 2 being the husband of the petitioner, works in a mobile company at Mumbai. He earns Rs. 50,000/- per month at the time of filing of the application.

4. Considering the status and social background of the parties as well as the income of the Opposite Party No. 2, the trial Court ought to have allowed some amount of maintenance allowance in favour of the petitioner.

5. I have heard the learned Advocate for the petitioner.

6. It is not in dispute that the petitioner is working as *Aganwadi Sevika*. Learned Advocate for the petitioner failed to state that what amount of salary the petitioner gets at present, because in course of last 5 years, salary of the petitioner is presumed to be increased.

7. It is contended on behalf of the petitioner that her husband earns Rs. 50,000/- per month working in a mobile company. In support of the income of the Opposite Party No. 2,



petitioner could not produce any scrap of document and even no witness was examined who could state the income of the Opposite Party No. 2.

8. Therefore, the Trial Court rejected the application under section 125 of the Cr.P.C., holding, *inter alia*, that the petitioner has independent source of income to maintain herself.

9. I do not find any illegality or material irregularity in the impugned order.

10. Accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J)

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