

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.761 of 2019

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

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BINNY SINGH CHAUDHARY W/o Dr. Kumar Ravi Kant, D/o Vinesh Prasad R/o village- Gawaspur, P.S.- Islampur, District- Nalanda at present residing at village- Naya Tola, P.S.- Ekangarsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Kumar Ravi Kant S/o Naresh Prasad Sinha R/o village- Gawaspur, P.S.- Islampur, District- Nalanda. At present posted at B.H.O. Makhdumpur Block, P.S.- Makhdumpur, District- Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
		Mr. Satyandra Pd. Singh, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. By passing an order dated 15.03.2019 in Maintenance Case No.26M/2012, the learned Principal Judge, Family Court, Nalanda at Bihar Sharif rejected an application under Section 125 of the Cr.P.C. filed by the petitioner claiming maintenance against her husband.

3. The learned Judge on perusal of the evidence on record and on due consideration of the submission made by the learned advocates for the parties held that the petitioner is not entitled to get maintenance from her husband on the ground that she voluntarily left her matrimonial home. She does not want to



stay with her husband and she wanted dissolution of marriage between her and her husband by a decree of divorce. Secondly, the learned Magistrate found that the petitioner has been working as Indira Awas Yojana Sahayika. On 15.03.2019, i.e. on the date of order she used to earn Rs.6081/- per month.

4. In view of such circumstances, the petition under Section 125 of Cr.P.C. was rejected.

5. The evidence of the petitioner in Sessions Trial No.302 of 2015 was considered by the Trial Court in the light of the decision of the Hon'ble Supreme Court passed in Criminal Appeal No.2310 of 2014 and the decision of this Court passed in 2013 (4) PLJR 58.

6. I have perused the impugned order, it is submitted by the learned advocate for the petitioner that the petitioner is willing to stay with her husband, if she is not tortured by him. The said fact has not been stated by the petitioner in her evidence in the proceeding under Section 125 of the Cr.P.C. On careful perusal of the entire judge passed by the learned Trial Judge, I do not find any reason for interference.

7. Accordingly, the instant revision stands dismissed.

(Bibek Chaudhuri, J)

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