

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.736 of 2019

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

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Puja Kumari, wife of Hemant Kumar, Daughter of Nageswar Yadav, Resident and P.S.- Birpur, Begusarai, Kasaha, P.S.- Barauni (Chakiya O.P.), District- Begusarai.

... .. Petitioner/s

Versus

Hemant kumar, father name not given, resident of kasaha, P.S.- Barauni (Chakiya O.P.), District- Begusarai. presently posted at Helper, C- Section Eng. Samadi Coaching Depo, Barauni Junction 1, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Kumar, Advocate
For the Respondent/s	:	None

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 27-02-2024 The petitioner filed a case under Section 125 of the CrPC against her husband, the opposite party herein.

2. The learned advocate for the petitioner is present.

3. Today, the learned advocate for the opposite party remains absent.

4. The application under Section 125 of the CrPC was registered as Maintenance Case No. 78M/2017. In the said proceeding, the petitioner filed an application for interim maintenance. The said application was allowed on 07th March 2018 directing the opposite party to pay interim maintenance at the rate of Rs. 5000/- per month to the petitioner till the settlement of marital dispute.



5. Subsequently, by an order dated 05th March 2019, the said order of interim maintenance dated 07th March 2018 was recalled on the ground that Puja Kumari has already got a job of a constable in Bihar Police. She is earning Rs. 27,000/- per month. The trial court considered that the said amount is sufficient for the petitioner to maintain herself. Accordingly, the order dated 07th March 2018 was recalled.

6. The petitioner challenged the said order dated 05th March 2019 in the instant revision.

7. I have heard the learned advocate for the petitioner. On the last occasion, the learned counsels for both the parties were present. It was asserted from the learned counsel for both the parties that at present, the parties are living together. The petitioner gave birth to a baby in the said wedlock between her and the opposite party.

8. In view of such circumstances and considering the fact that the petitioner is earning Rs. 27,000/- per month as a constable of police, I do not find any reason to grant interim maintenance at this stage. Therefore, I also do not find any illegality or material irregularity in the impugned order dated 05th March 2019. The revisional application is accordingly, dismissed. However, the parties are directed to place their



present status with regard to conjugal life in the trial court at the time of hearing of the present case under Section 125 of the CrPC.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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