

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.892 of 2019

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

=====

MD. RAHBER @ MD. RAHBER ALAM Son of Md. Mustaque Resident of
Village - Kanharia, P.S.- Baisi (Dagarwa), District- Purnea

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Noori Parween Wife of Md. Rahber Alam Resident of Village and P.O.-
Kanharia, P.S.- Baisi (Dagarwa), District- Purnea
3. Asharaf (Minor) Son of Md. Rahaber Alam Under the Guardianship of
Opposite party no. 2, Noori Parween, Mother, both Resident of Village and
P.O.- Kanharia, P.S.- Baisi (Dagarwa), District- Purnea

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sada Nand Roy, Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Uma Shankar Prasad Singh. APP

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 3 12-01-2024 In a proceeding under Section 125 of the Code of Criminal Procedure in Maintenance Case No. 63 of 2014, the learned Principal Judge, Family Court, Purnea, vide order dated 31st May, 2019 directed the present petitioner/husband to pay maintenance at the rate of Rs. 4,000/- per month to the opposite party no.2/wife and Rs. 1,000/- per month for their minor child. The quantum of maintenance is challenged in the instant Revision on the ground that the petitioner earns Rs. 200-250/- per day as a tailor and he has no financial capacity to make such amount of Rs. 5,000/- per month. On the other hand, it is the case of the opposite party that the petitioner is the owner of a tailoring shop, he is a master tailor and he earns considerable amount of money from his business. Moreover, he has landed



property and by way of agriculture, he has also some earning. During trial, neither of the parties produced any document in support of their claim regarding the income and liability of the parties.

2. For the reasons stated above, the instant Cr. Revision is disposed of directing both the petitioner and the opposite party no.2 to file affidavit of assets and liabilities in terms of the decision of the Hon'ble Supreme Court in ***Rajnesh Vs. Neha*** reported in ***(2021) 2 SCC 324*** within one month from the date of communication of this order.

3. The learned Principal Judge, Family Court, Purnea is directed to dispose of the case under Section 125 of the Cr.P.C. so far as it relates to the liability of the petitioner to pay maintenance on the basis of the affidavit of assets. Entire exercise shall be done within three months from the date of this order.

4. In view of the above order, the impugned order is set aside and the instant Revision is allowed.

(Bibek Chaudhuri, J)

Guddu/-

U			
---	--	--	--

