

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1036 of 2019

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

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Gita Devi, Wife of Sri Kamta Prasad Singh @ Kamta Singh Resident of Village - Dhandhopur, P.O.- Cherki, P.S.- Sherghati, Distt - Gaya, Pin - 824237 at present resides at Village - Alawalpur, P.O. and P.S.- Punpun, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamta Prasad Singh @ Kamta Singh Son of Sri Krit Narayan Singh Resident of Village - Dhandhopur, P.O.- Cherki, P.S.- Sherghati, Distt - Gaya, Pin - 824237 at present Serving as a Clerk Rajarshi Vidya Mandir (Government High School), Baratpur, Aurangabad, Pin - 824101 and Present resides at Madhukar Colony, Sri Krishna Nagar Ahri, near P.H.D Colony, Aurangabad, Pin - 824201 (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Respondent/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 01-02-2024 1. An order, dated 5th of July, 2019, passed by the learned Principal Judge, Family Court, Patna, in Maintenance Case No. 262(M) of 2017, is assailed in the instant Revision alleging *inter alia* that the marriage between the parties was



solemnized on 27th of May, 1977. In the said wedlock, the petitioner gave birth to a girl child on 1st of January, 1980, marriage of the said girl child has already been solemnized. However, subsequent to the marriage of the daughter, the Opposite Party established an illicit relation with one Munni Devi and the petitioner was driven away from her matrimonial home on 12th of February, 2017.

2. It is contended on behalf of the petitioner that the petitioner is a Clerk in the Government School and he earns Rs. 55,000/- per month from his salary. Moreover, he has considerable amount of agricultural property from where he earns Rs. 20,000/- per month and his monthly income is Rs. 75,000/- per month. The learned Magistrate without considering the income of the Opposite Party, directed him to pay maintenance allowance at the rate of Rs. 7500/- per month.

3. The learned Advocate for the petitioner submits that the said amount of Rs. 7500/- per month is absolutely insufficient for the maintenance of the petitioner. Therefore, he has prayed for enhancement of maintenance allowance by filing the instant revision.

4. It is needless to say that Section 127 of the Cr.P.C. contains a provision where the petitioner can pray for alteration,



modification, enhancement and degrees of maintenance allowance passed by the Trial Court. Thus, when there is specific statutory provision, the instant Revision does not lie. The petitioner is at liberty to take recourse of Section 127 of the Cr.P.C. in the Trial Court.

5. The instant Revision is thus dismissed.

(Bibek Chaudhuri, J)

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