

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 1214 of 2019

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

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Renu Devi @ Reena Devi Wife of Arbind Singh, D/O - Late Bishawanath Singh Resident of Village - Murarpur, P.S.- Harsidhi, District- East Champaran. At present Residing at C/O - Subodh Singh, Bisharampur Tola, Balirampur, P.S.- Kaleya, District- Bara (Nepal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arbind Singh Son of Rambahadur Singh Resident of Village - Murarpur, P.S.- Harsidhi, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Dilip Kumar Tondon, Advocate
For the S t a t e	:	Mr Kumar Veerendra Narayan, APP
For Opposite Party No 2 :		Mr Karandeep Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 16-07-2024

Heard on admission.

2 This revision petition has been preferred by the petitioner (wife) of Opposite Party No 2 being aggrieved with the order dated 08.04.2019 passed by the learned Principal Judge, Family Court, East Champaran at Motihari in Maintenance Case No 6 of 2013 whereby and whereunder he has dismissed the petition for maintenance filed by the petitioner under Section 125 of Criminal Procedure Code.



3 It was the case of the petitioner before the learned Principal Judge, Family Court that she was the legally wedded wife of Opposite Party No 2 and their marriage was solemnized on 04.05.1992. Thereafter, she resided for 2 – 3 years in the house of Opposite Party No 2. Lastly, on 25.02.2013, she was ousted from the matrimonial house.

4 Opposite Party No 2 filed his written statement before the learned Principal Judge, Family Court wherein he denied the fact that petitioner herein is his legally wedded wife. It was pleaded by him that in the year 1999, he performed marriage with one Archana Kumari and she is his only legally wedded wife and from their wedlock, two children also born.

5 The learned Principal Judge, Family Court, after recording the evidence of both the parties, arrived at the conclusion that petitioner herein has failed to establish the fact that she is the legally wedded wife of Opposite Party No 2 and rejected the petition of the petitioner filed under Section 125 of Cr P C on this ground alone.

6 I have heard learned counsel for the petitioner and perused the impugned order and other materials available on record. Perusal of the impugned order clearly shows that Opposite Party No 2 denied the fact that the petitioner herein is his legally



wedded wife. According to the pleadings, one Archana Kumari is his legally wedded wife and their marriage was solemnized in the year, 1999.

7 Perusal of paragraph 9 of the impugned order further shows that before the learned Principal Judge, Family Court, the brother of petitioner herein, namely, Lal Babu Singh deposed that marriage of the petitioner and Opposite Party No 2 was solemnized in the year, 1992 and according to this witness, both petitioner as well as Opposite Party No 2 have resided jointly till 2013. Perusal of the impugned order further shows that marriage of Opposite Party No 2 and Archana Kumari was solemnized in the year, 1999 and out of their wedlock, two male children born. Therefore, on this ground alone, the learned Principal Judge, Family Court rightly arrived at the conclusion that the petitioner herein is unable to establish the fact that from 1992 to 2013, she resided with Opposite Party No 2.

8 However, the petitioner herein did not examine any witness who attended the alleged marriage of petitioner and Opposite Party No 2. She also failed to produce any witness who has seen both petitioner as well as Opposite Party No 2 residing jointly as husband and wife. Though the petitioner before the learned Principal Judge, Family Court submitted two documents in



her support but they were not relied on by the learned Principal Judge, Family Court as both the documents were found suspicious. The finding recorded by the learned Principal Judge, Family Court is in accordance with the evidence available on record.

9 Perusal of the entire impugned order clearly shows that the order passed by the learned Family Court is based upon the evidence available on record which is not perverse and not contrary to the records.

10 I, therefore, find no merit in the present revision petition. The same is dismissed at the stage of admission itself.

(Arvind Singh Chandel , J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024
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