

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1406 of 2019**

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

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Babban Ram

... .. Petitioner/S

Versus

Basanti Devi

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Respondent/s : Mr. Umesh Lal Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL**  
**ORAL ORDER**

5      19-07-2024

**I.A. No. 01 of 2019**

Heard the I.A. and application for condonation of delay for filing this revision petition which is barred by 37 days as mentioned in the application for the reasons stated in the I.A. The same is allowed, the delay of 37 days of filing this petition is condoned.

2. Heard on admission.

3. Perused the impugned order dated 01.06.2019 passed the Principal Judge, Family Court, Siwan in Maintenance Case No. 20 of 2004 under Section 127 Cr. P. C. whereby, the learned Family Court enhanced the monthly maintenance amount from Rs. 1,200/- to Rs. 3,000/-.

4. It is submitted by the learned counsel for the petitioner that while passing the order of enhancement the



learned Family Court had not considered the fact that there are so many numbers of dependent upon the petitioner and passed such order. Therefore, on this ground only the impugned order is liable to be set aside.

5. Undisputedly, the petitioner is a teacher, at the time of passing the maintenance order under Section 125 of Cr. P. C. in the year 2006 he was getting a monthly salary of Rs. 5,000/-. In his written statement the petitioner-husband himself admitted the fact that he is working as a government teacher and getting a monthly salary of Rs. 8,500/-. On the basis of evidences adduced by the O.P.- wife the Family Court arrived on the conclusion that the petitioner is getting a monthly salary of Rs. 10,000/-. Considering the above, the learned Family Court enhanced the amount of maintenance from Rs. 1,200/- to Rs. 3,000/-.

6. With regard to the argument raised by the counsel for the petitioner is concerned, bare perusal of the impugned order clearly shows that in the proceeding under Section 127 of Cr. P. C. no application has been filed by the petitioner nor he examined any witness before the Family Court. Therefore, ground taken up by the counsel for the petitioner at this stage is not acceptable.



7. Resultly, I do not find any merit in this revision  
petition accordingly, the petition is dismissed having no merit.

**(Arvind Singh Chandel , J)**

siddharth/-

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