

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1609 of 2019

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

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Sheo Pravesh Singh @ Sheo Prabesh Singh S/o Late Govind Singh R/o Mohalla- 22 Vijay Kumar, Mukherjee Road, Near Pani Tanki, Salkia, Howrrah (W.B), Address of Working place- General Managaer/Chairman, UCO Bank (B.T.M. Sarani) 10 No. Brobah Road, Head Office- Kolkata- 700001

... .. Petitioner/s

Versus

Padmini Devi W/o Sheo Pravesh Singh, D/o Late Surendra Kumar Singh R/o Mohalla- Derma, P.S.- Akbarpur, District- Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 06-03-2024 Heard learned advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. It is not in dispute that the opposite party is the married wife of the petitioner, namely, Sheo Pravesh Singh @ Sheo Prabesh Singh their marriage was solemnized in the year 1996. However, the marital life of the parties were not happy. The opposite party was forced to file an application under Section 125 of the Cr.P.C., the said application was allowed vide order dated 30.06.1999 directing the petitioner to pay maintenance at the rate of Rs.500/- per month. Subsequently, the opposite party filed an application under Section 127 of the Cr.P.C. praying for enhancement of maintenance allowance, the



said application was allowed vide order dated 14.02.2008 enhancing the maintenance allowance from Rs.500/- to Rs.1500/-. Again on 02.04.2014 the amount of maintenance was enhanced to Rs.1500/- to Rs.4000/-. The opposite party was not satisfied, she filed another application under Section 127 of the Cr.P.C. in the year 2016, the said application was disposed of on 08.09.2016 directing the petitioner to pay maintenance at an enhanced rate of Rs.5000/-. Subsequently, in the year 2017 the opposite party again filed another application under Section 127 of the Cr.P.C. praying for enhancement of maintenance allowance to Rs.10,000/-. Notice was issued upon the petitioner. The petitioner appeared before the Trial Court and filed a show cause petition stating inter-alia that though the gross income of the petitioner was Rs.43008/-, take home income is approximately Rs.21,500/-. It is also stated by the petitioner that he resides in Kolkata with his family, he maintains his family. He also spends considerable some of money for medical expenses. Trial Court after hearing both the parties directed the petitioner to pay Rs.8000/- per month. The petitioner being aggrieved has filed the instant revision.

3. The learned advocate for the petitioner has made especially two fold submission, firstly, he refers to the list of



dates as noted above and submits that in each year the opposite party preferred application under Section 127 of the Cr.P.C. for enhancement of maintenance allowance. Secondly, the petitioner has raised his financial hardship on the ground that he maintains his family in Kolkata, cost of living in Kolkata is higher than the cost of living in a remote village in the district of Nawada where the opposite party resides, therefore, there is no reason for enhancement of maintenance allowance.

4. It is also submit by the learned advocate for the petitioner that in the meantime the petitioner is retired from service on superannuation, therefore, he is now pension holder.

5. From the submission made by the learned advocate for the petitioner it is ascertained that the petitioner has solemnized second marriage with another lady and she has been residing with the petitioner. In the said wedlock there are children. Since, the petitioner has been going on paying the maintenance allowance, it presupposes that her marriage with the opposite party has not dissolved.

6. It is needless to say that during subsistence of first marriage, the second marriage is a nullity and void ab-initio, this Court is not inclined to consider the second marriage of the petitioner and his legal and moral responsibility to maintain the



second wife and their children during the subsistence of his first marriage.

7. Considering the present day market value and the cost of bare essentials, this Court is of the view that in the year 2019 a sum of Rs.8000/- is just, proper and adequate for the maintenance of the opposite party.

8. For the reasons stated above, I do not find any merit in the instant revision and accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J)

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