

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.289 of 2024

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

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Dharmendra Kumar Singh S/O Lal Babu Singh R/O Village- Jhauram, P.S-
Dhaka, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi, W/O Dharmendra Kumar Singh, D/O Lal Babu Singh R/O
Village- Jhauram, P.S- Dhaka, Distt.- East Champaran At Present Resident
Of Village- Chain Pur, Dhaka, P.S- Dhaka, Distt.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 22-04-2025 1. The instant Revision Application is directed against

the order, dated 18.01.2024, passed in Maintenance Case No. 24

of 2014, by the learned Principal Judge, Family Court, East

Champaran, Motihari, whereby and whereunder the Petitioner is

directed to pay Rs. 4,000/- per month to the Opposite Party No.

2 and Rs. 3,000/- for maintenance of his minor son, summing

total to Rs. 7000/-, as the maintenance amount along with Rs.

2000/- as litigation cost.

2. On earlier occasion, the petitioner filed

Matrimonial Case No 30 of 2004, in which there was an order to

pay Rs 2000/-. The petitioner started paying the said amount but

the case was disposed of on the basis of compromise.



3. It is stated in the petition that the petitioner performed bidagari on the court's order and from their wedlock a son child was born who is suffering from illness.

4. The Opposite Party No. 2 further stated that on 13th of May, 2012, the petitioner left her and is not maintaining, whereas the petitioner has got income of Rs. 30,000/- per month and the Opposite Party No. 2 has no source of income and as such pray to allow her maintenance of Rs 15,000/- per month.

5. Petitioner states that he has no land and his financial condition is miserable and pitiable and is not fit to do even labour work physically and he has become mentally sick whereas the Opposite Party No.2 is a working lady and has good earning as she used to do stitching of clothes and embroidery, tailoring etc.

6. However the petitioner in his show cause pray to dismiss the maintenance case filed against him.

7. Petitioner further states that the Learned Principal Judge, Family Court, East Champaran at Motihari, while passing the order impugned, dated 18th of January, 2024, has not considered the case of the Petitioner either on documentary evidence or on oral evidence, adduced on his behalf. The impugned order, by which the maintenance has been awarded to



the Opposite Party No. 2, is erroneous in nature.

8. In the case of ***Rajathi v. S. Rangaswamy***, reported in ***(1999) 3 SCC 225***, The Hon'ble Supreme Court held that Section 125 CrPC is a social welfare provision aimed at providing protection to women, children, and parents who are unable to support themselves. The case dealt with the claim of maintenance by a wife from her husband under Section 125, and the Court held that even a wife who is working and capable of earning, can still claim maintenance if the husband has the ability to provide for her and she is unable to meet her needs.

9. In the case of ***K.K. Verma v. State of Uttar Pradesh***, reported in ***(2012) 9 SCC 439***, the Hon'ble Supreme Court held that a wife, being the closest companion of her husband, is presumed to have intimate knowledge about her husband's income and financial capacity. This presumption becomes relevant when she is seeking maintenance. The Court emphasized that since the wife has the closest proximity to her husband and usually shares in the domestic and financial matters of the household, she is often considered the best person to provide information about his income, assets, and financial standing. This principle has broader implications for maintenance claims under Section 125 of the CrPC, where the



wife may be required to provide evidence of her husband's income. The Court clarified that, in the absence of detailed information from the husband, the wife could provide an estimate of his earnings based on their shared knowledge. This could serve as an important basis for determining the quantum of maintenance.

10. The Trial Court on due consideration of the evidence on record held that the Opposite Party has no source of income to maintain herself and her minor child. It is also found by the Trial Court that the petitioner has refused and neglected to maintain Opposite Parties. From oral evidence, adduced by the witnesses on behalf of the respective parties, the Trial Court held that the respondent had a business of hardware goods and he earns Rs. 30,000/- per month. Besides, he is the owner of a jeep. He can earn considerable amount of money giving the vehicle on rent.

11. Therefore, taking into consideration the evidence on record as well as the ratio laid down in K. K. Verma (supra), this Court holds that the petitioner has sufficient means to maintain his wife and minor son.

12. With regard to quantum of maintenance, this Court has given anxious thought on bare minimum requirement



of a lady and a minor child suffering from various ailments.

13. Considering the need of the Opposite Parties and present day market price of essential commodities, this Court is of the view that the learned Trial Judge rightly directed the petitioner to pay maintenance at the rate of Rs. 7,000/- per month in favour of the Opposite Parties.

14. In view of the aforesaid facts and circumstances, this Court is of the opinion that no interference is required in the order, dated 18th of January, 2024, passed by the learned Principal Judge, Family Court, East Champaran, Motihari, in Maintenance Case No. 24 of 2014 and the same is affirmed.

15. With the aforesaid observation / direction, this revision application stands disposed of.

(Bibek Chaudhuri, J)

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