

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.495 of 2023

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

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Dipika Ranjan Wife of Rakesh Kumar Singh, Daughter of Subodh Bihari Singh Resident of Village-Sughdi, Police Station-Govindpur, District-Nawada at present Resident of Village-Amawan, Police Station-Bodh Gaya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKESH KUMAR SINGH Son of Om Prakash Singh Resident of Village-Sughdi, Police Station-Govindpur, District-Nawada at present working as Senior Assistant Loco Pilot in Tundala (U.P.)
3. Union of India through Railway, West Bengal Working in Tundala India

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad
For the Union of India	:	Dr. Priya Gupta, Advocate
For the O.P. No. 2	:	Mr. Rakesh Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

9 08-01-2025 The petitioner is the wife in a maintenance case which is pending before the learned Principal Judge, Family Court, Gaya. The petitioner has filed the instant revision, alleging, *inter alia*, that the Opposite Party/husband has not paid maintenance allowance to her and their children as directed by the court.

2. By filling a counter-affidavit, the Opposite Party/husband has pleaded that a sum of Rs. 19,000/- has been deducted from his salary per month and the same is being deposited in the Bank account of the wife/petitioner. Moreover, the husband has denied the paternity of the child and also prayed for permission of the learned trial Judge for having DNA



test of child and the Opposite Party/alleged father. The said application is pending before the learned Principal Judge, Family Court at Gaya for disposal.

3. The Union of India has also filed a counter-affidavit admitting the fact that a sum of Rs. 19,000/- is being deducted from the salary of the husband/Opposite Party and is deposited in the account of the petitioner.

4. The petitioner has filed the instant criminal revision for non-payment of maintenance allowance. If the husband fails to pay the maintenance allowance to his wife under the provision of Section 125 of the CrPC, proper course is delineated in Section 128 of the CrPC by filling execution proceeding.

5. In view of such circumstances, the petitioner is advised to file execution proceeding in the trial court. The instant revision is, therefore, misconceived and not maintainable. Accordingly, the instant criminal revisional application is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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