IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66056 of 2025
In
CRIMINAL REVISION No.64 of 2025

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

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Gaurav Kumar son of Vijay Kumar Gupta permanent resident of Sunita Bhawan, Basant Vihar Colony, Plot No.781, P.S.- Chirachaas, Dist- Bokaro, State- Jharkhand and Present resident of Flat No. B 501-502, B Block, Royal Awas, Latabari NH 37 P.S.- Bokakahat, Dist- Assam

... ... Petitioner/s

Versus

1. The State of Bihar
2. Radha Kumari Daughter of Umashankar Prasad Resident Of Village- and Ps- Haspura (Smt. Saadi Mahal Saundik Hardware, Keshav Market, Near Transfermer Dist- Aurangabad

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 10-10-2025 This is an application for modification of the order dated 30.07.2024 passed in Criminal Revision No. 64 of 2025 arising out of an order of maintenance granted in favour of the Opposite Party No. 2 under Section 125 of the Cr.P.C.

2. It is submitted by the learned Advocate on behalf of the petitioner that this Court while passing the order in Criminal Revision No. 64 of 2025 failed to deduct the part of contribution by the employer in Contributory Provident Fund of the petitioner and thereby calculated the monthly net salary of the petitioner wrongly. On the basis of such wrong calculation, the

Opposite Party No. 2 was granted maintenance allowance at a higher rate.

3. According to the learned Advocate for the petitioner, this is an arithmetical error, which can be modified upon the instant application.

4. So far as the Contributory Provident Fund is concerned, it has two components, the first part is the amount of Provident Fund deducted by employee and the second part is the contribution on the basis of employee's deduction by the employer. The employer's contribution was not deducted during calculation of net salary of the petitioner.

5. Therefore, I do not find any wrong calculation with regard to the net salary of the petitioner.

6. The learned Advocate on behalf of the petitioner in support of his prayer of modification submits that the Court while passing the final order, dated 30th July, 2025 in Criminal Revision No. 64 of 2025 held that D.A. of the petitioner was enhanced by Rs. 8,000/- (Rupees Eight Thousand) and the said Rs. 8,000/- was taken into account for calculating the maintenance allowance to the income of the petitioner from the date of the filing of the application.

7. It is submitted by the learned Advocate for the

petitioner that the said amount of D.A. was not enhanced from the date of filing of the application but it was enhanced subsequently during the pendency of the application under Section 125 of the Cr.P.C. or during the pendency of the above-mentioned revisional application.

8. Therefore, the order of quantum of maintenance is required to be modified.

9. The above submission squarely relates to the merit of the finding made by this Court.

10. After disposal of Criminal Revision No. 64 of 2025, the Court is not in seisin over the matter. The objection raised by the learned Advocate on behalf of the petitioner touches upon the merit of the decision made by this Court which cannot be modified by virtue of the instant application.

11. If the petitioner is aggrieved against the said part of the order, he is at liberty to take recourse to the higher forum.

12. For the reasons stated above, I do not find any merit in the instant application and accordingly, the application is summarily rejected.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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