

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.927 of 2024

Arising Out of PS. Case No.-32 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Manish kumar S/o Vijay Prasad R/o Akhara ghat, Gola Bandh Road, ward no.
19, Ps- muzaffarpur, Dist- muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sona Kumari W/o Manish Kumar, D/o Babu Sah R/o Vill - Suratganj, ward
no. 18, Mahila College Road, P.S.- Madhubani, Distt.- Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 15-07-2025 The petitioner is the husband of the opposite party

No.2. Though, the notice of the instant criminal revision was
served upon the opposite party No.2 and she appeared by filing
Vakalatnama through her learned Advocate. At the time of call, I
do not find the learned Advocate for the opposite party No.2.
Therefore, the instant criminal revision is taken up for hearing
ex-parte.

2. I have heard the learned Advocate for the
petitioner/husband.

3. It is pertinent to mention at the outset that the
petitioner has challenged an order dated 08.08.2024 in M.R.
Case No.32 of 2020 passed by the learned Principal Judge,
Family Court at Madhubani directing him to pay maintenance
allowance at the rate of Rs.8,000/- per month in favour of his



wife/opposite party No.2 from the date of filing of the application under Section 125 of the Cr.P.C.

4. The learned Advocate for the petitioner did not dispute the factum of marriage between the petitioner and the opposite party No.2. It was the case of the opposite party No.2 that after marriage, the opposite party No.2 was subjected to torture and harassment on the ground of quality of dowry articles, the mother of the petitioner demanded an Innova Car for the petitioner on the ground that he is an employee under the government high post as Engineer and for such some dowry of one Innova Car was absolutely necessary. The father of the opposite party No.2 being a poor person could not satisfy such demand. This has caused marital discord and finally opposite party No.2 left her matrimonial home. It is also not disputed that the petitioner did not send or pay any amount to his wife during her stay at her paternal home. The conduct of the petitioner prima-facie shows that he has refused and neglected to maintain his wife.

5. The learned Advocate on behalf of the petitioner submits that the petitioner is not working in a high post of Engineer, on the contrary he is a salesman and he does not have any fixed income. Therefore, it is not possible for him to pay a sum of Rs.8,000/- per month to the opposite party No.2.



6. From the impugned judgment, this Court finds that the opposite party No.2 and his brother deposed as OPW-1 and 2 during trial of the proceeding under Section 125 of the Cr.P.C. However, after their examination-in-chief they did not appear to face cross examination. Therefore, practically there was no evidence led by the petitioner during trial of the case as he and his brother failed to face cross examination of the opposite party No.2/wife. An examination-in-chief without cross examination is no evidence at all and the Court cannot rely on such evidence.

7. In the absence of any evidence on behalf of the petitioner there was only evidence on behalf of the present opposite party no.2 before the Trial Court for consideration. The Trial Court considered the evidence of the opposite party No.2 and passed an order directing the petitioner to pay maintenance allowance at the rate of Rs.8,000/- per month from the date of filing of the application.

8. I do not find any illegality or material irregularity in the impugned order. Accordingly, there is no merit in the revision application and the same is dismissed.

(Bibek Chaudhuri, J)

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