

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.196 of 2023

Abhishek Pandey, aged about 28 years, Son of Babulal Pandey, Resident of Village-Inderwa Basti, Near Chhath Talab, Ward No. 05, P.O.-Jhumri Telaiya, P.S.-Telaiya, Dist.-Koderma ... Petitioner

Versus

1. Somi Pandey, Wife of Abhishek Pandey, Resident of Village-Inderwa Basti, Near Chhath Talab, Ward No. 05, P.O. Jhumri Telaiya, P.S.-Telaiya, Dist. Koderma, presently residing at C/o Nandkishor Pandey, Village Gumo, Ward No.20, Muhalla- Pandey Tola, P.O.- Jhumri Telaiya, P.S. Telaiya, Dist. Koderma.
2. The State of Jharkhand ... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Kamdeo Pandey, Advocate.
For the State : Mr. Shashi Kumar Verma, APP
For O.P. No.1 : None

6/08.09.2025 Heard learned counsel appearing for the petitioner and learned counsel appearing for the State. Notice to the O.P. No.1 has been effected and the counsel for O.P. No.1 has appeared through *Vakalatnama*, but on repeated calls, nobody appears on behalf of O.P. No.1.

2. I.A. No.4433 of 2023 has been filed for condonation of delay of 43 days in filing the Criminal Revision Petition.

3. Learned counsel appearing for the petitioner submits that there is delay of 43 days in filing this Petition and it may kindly be condoned.

4. In view of the reasons assigned in the interlocutory application, the delay of 43 days in filing the Criminal Revision is hereby condoned.

5. Accordingly, I.A. No.4433 of 2023 is allowed and disposed of.

6. This Criminal Revision Petition has been preferred against the

Judgment dated 26.09.2022 passed by learned Principal Judge, Family Court, Koderma in Original Maintenance Case No.140 of 2019, filed under Section 125 of Cr.P.C., whereby the learned Court has been pleased to direct the petitioner to pay Rs.3500/- per month to the O.P. No.1 which shall be payable by 26th day of each succeeding month and the maintenance amount is directed to be paid from the date of application.

7. Learned counsel for the petitioner submits that the petitioner is the husband of O.P. No.1 and he is not able to pay a sum of Rs.3500/- as he is doing the work of labour and in view of that, the impugned order may kindly be set-aside.

8. Learned counsel for the State submits that the petitioner is the husband and he is bound to maintain the wife and by the impugned order, the maintenance has been allowed by the learned Court.

9. The learned Court considering the evidence led by O.P. No.1 and other witnesses found that it has been proved that petitioner is a graduate, employee in TATA Company and his monthly income is Rs.35,000/-. Learned Court further found that the petitioner is having ancestral property in Doranda Bazar where there are six shops, from which he gets monthly rent of Rs.12,000/- and he is also having agricultural land. Considering all these aspects, learned Court has allowed maintenance of Rs.3500/- to pay to the wife. It appears that the amount is very meager. The petitioner being the husband is bound to maintain the wife and on the cogent reason, the order has been passed.

10. In view of the above, there is no illegality in the impugned Judgment dated 26.09.2022 passed by learned Principal Judge, Family Court, Koderma in Original Maintenance Case No.140 of 2019.

11. As such, this Criminal Revision is dismissed. Let the Trial Court Record be sent back forthwith.

(Sanjay Kumar Dwivedi, J.)

R.Kumar