

IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 692 of 2025

Dharmendra Prasad Gupta, aged 29 years, S/o Late Sudama
Sao, R/o village – Karanpura, PO – Rohila, PS – Ramna,
District-Garhwa, Jharkhand **.... Petitioner**

-- Versus --

- 1.** The State of Jharkhand
- 2.** Priti Devi @ Soni Kumari, W/o Dharmendra Prasad Gupta, R/o
village – Karanpura, PO and PS – Ramna, District – Garhwa, D/o
Sitaram Saw, R/o of village – Pachaur, PO and PS – Dandai,
District - Garhwa **.... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:-	Mrs. Priyanka Bobby, Advocate
	:-	Mr. Gopal Krishna Sinha, Advocate
For the State	:-	Mr. Rajesh Kumar, Advocate
For O.P. No.2	:-	Mr. Abhinav Kumar, Advocate

03/20.01.2026 Heard learned counsel appearing for the petitioner,
learned counsel appearing for the State and learned counsel appearing
for the opposite party No.2.

2. This petition has been preferred against the judgment dated
18th February, 2025 passed in Original Maintenance Case No.31 of
2023 by learned Principal Judge, Family Court, Garhwa allowing the
petition under Section 125 of Cr.P.C. dated 22.02.2023 filed by O.P.
No.2 wherein the maintenance case has been allowed in favour of the
wife to the tune of Rs.4,000/- per month and Rs.1,000/- per month to
two of the minor children totaling Rs.6,000/- per month from the date

of filing of the application *i.e.* 22.02.2023 and arrears of maintenance from February 2023 to January 2025 that is for 24 months to be paid by paying one month arrears with the currently monthly maintenance *i.e.* for next 24 months and directed to pay Rs.12,000/- per month and after completing the same the petitioner has to pay current monthly maintenance *i.e.* Rs.6,000/- per month.

3. Learned counsel appearing for the petitioner submits that the opposite party No.2 has filed a petition under Section 125 of Cr.P.C. on 22.02.2023 before the learned Principal Judge, Family Court, Garhwa wherein she has stated that the marriage was solemnized ten years ago according to Hindu rites and rituals on 26.05.2015 and after marriage she went to her matrimonial house and resided with the petitioner peacefully for some days and after sometime the petitioner herein has started torturing her for dowry and started demanding Rs.1 lac from her and opposite party No.2 further stated that she was mentally and physically tortured and abused in her matrimonial house and was not provided with food and in this background opposite party No.2 filed a maintenance case being Original Maintenance Case No.88 of 2017 and in that case settlement was made and thereafter O.P. No.2 has gone to her matrimonial house and thereafter she was again ousted from her matrimonial house along with son after snatching her entire *streedhan* on 05.07.2020 and she reached to her parent's home and at that time she was also pregnant and after sometime she was blessed with another child and the present maintenance case has been

lodged claiming that the petitioner is a contractor of labourer and earns Rs.2 lacs annually and also have ten bighas of agricultural land from which his income is Rs.3 lacs annually.

4. Learned counsel appearing for the petitioner submits that the learned Court has allowed the maintenance amount of Rs.4,000/- per month to the wife Rs.1,000/- per month for each of the child which is excessive. She submits that the petitioner is doing nothing and the petitioner is a labourer. On this ground, she submits that the said order may kindly be set aside.

5. Learned counsel appearing for the State submits that the petitioner is husband and in view of that he is bound to maintain the wife and children.

6. Learned counsel appearing for the opposite party No.2 submits that very meagre amount has been allowed in favour of the opposite party No.2 and children, as such there is no illegality in the impugned order.

7. Learned Court has considered that the opposite party No.2 is legally wedded wife of the petitioner and out of their wedlock two child has been born and claim has been made by the opposite party No.2 that the petitioner is annually earning Rs.2 lacs from his labour contract work and Rs.3 lacs annually he is earning through the agricultural land. Learned Court has further appreciated the evidence of Aws and OPWs. No document has been filed by the opposite party No.2 to suggest that the earning of the petitioner is Rs.5 lacs annually

and in that view of the matter learned Court has been pleased to allow a sum of Rs.4,000/- to the wife and Rs.1,000/- each of the minor children and total Rs.6,000/- per month.

8. Reasoned order has been passed by the learned Court in the aforesaid background. There is no illegality in the impugned order, as such this petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

Dated 20.01.2026
Sangam/