

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.777 of 2025

Abhishek Sahu, aged about 34 years, S/o Ajay Prasad, R/o Vill-Kund
Mohalla, near Hanunman Tail Mill, PO-Daltonganj, PS-Town, District-
Palamau, Jharkhand ... Petitioner

Versus

1. The State of Jharkhand
2. Jyoti Kumari, W/o Abhishekh Sahu, R/o At- Ranchi, Road, Redma, Ward No. 20, PO-Daltonganj, PS-Town, District-Palamau, State-Jharkhand ... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mrs. Diksha Rani, Advocate Mr. Sheo Kumar Singh, Advocate
For the State	:	Mr. Satish Kr. Keshri, APP

2/17.09.2025 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. This criminal revision petition has been preferred against the order dated 18.06.2025 passed in Original Maintenance Case No. 127/2021 by the learned Principal Judge, Family Court, Palamau whereby the said Original Maintenance Case No. 127/2021 filed by the O.P. No.2, under Section 125 Cr.P.C. for her maintenance has been allowed and the learned Court has directed the petitioner to pay maintenance at the rate of Rs. 20,000/- per month from the date of filing of maintenance application by 10th of every succeeding month and arrear of maintenance has been directed to pay within one year in 12 equal installments from the date of order.

3. Learned counsel appearing for the petitioner submits that petitioner is the husband of O.P. No.2 and the application under Section 125 Cr.P.C. filed by O.P. No.2 stating that the marriage was

solemnized between her and petitioner on 08.02.2018 at the residence of the petitioner at Ranchi Road, Redma, Ward No.20 as per the Hindu Rites and Customs. She further submits that the O.P. No.2 resides at the matrimonial home for about one year and after then she alleged that the petitioner started misbehaving with OP and the OP has been ousted from matrimonial home on 24.09.2021. She submits that on these backgrounds, the impugned order has been passed without taking into consideration the salary of the petitioner, which is not in accordance with the Judgment passed by the Hon'ble Supreme Court in the case of **Rajnish V. Neha & Others**, reported in **(2021) 2 SCC 324**. On these grounds, she submits that the impugned order may kindly be set-aside.

4. Learned counsel appearing for the State opposed the prayer and submits that the learned Court has rightly taken into consideration the income of the petitioner and has found that the petitioner is working in Axis Bank as Assistant Manager. He further submits that the learned Court has given cogent reason while passing the said maintenance amount and all aspects have been taken care of. He further submits that there is nothing on record to show any illegality in the impugned order.

5. From the impugned order dated 18.06.2025, it transpires that in order to substantiate the facts, the OP has produced three witnesses including herself. The learned Court has appreciated the evidences of PWs and OPs.

6. PW-1 happens to be the father of the OP. He has stated in his

examination-in-chief that this case has been lodged by her daughter against her husband Abhishek Sahu for her maintenance. The marriage of her daughter has been solemnized with Abhishek Sahu on 08.02.2018 according to Hindu Rites and Customs. Thereafter her daughter went to her sasural, where she lived anyhow for one year and the compromise was also made and out of the said wedlock, a female child has also born, who is aged about 3 ½ years and she is living with her mother. He further stated that his son-in-law is posted as manager in Axis Bank, Ranchi. He further stated that petitioner used to assault and torture to his daughter and dowry has been demanded. He has also stated that the petitioner is in relation with another girl Neha Sharma and she is working with the same bank where the petitioner is working. He has also stated that the father of the petitioner has also not come to meet the child. He further stated that the petitioner has two houses in Daltonganj. One is three storied houses, from which he gets rent of Rs.80-90 thousands and in the second, the petitioner lives in. Apart from that, 19 decimal lands in Semartand and there is also a grocery shop in the market. He has stated that from all sources, the petitioner has income of Rs.2.5 to 03 lakhs.

7. PW-2 Arvind Vishwakarma has stated that the father of the OP is his friend since childhood and he used to go his house. He has also supported the case and he has further stated about the income of the petitioner. He further stated that the petitioner is getting salary of Rs.80,000/- per month. He further repeated that the petitioner has two houses in Daltongaj and about three storied houses. He has also

stated about the shop and land in Semartand and earns Rs.90,000/- per month as rent.

8. P.W.-3 is the wife herself, who has lodged the case against the petitioner under Section 125 of Cr.P.C. She has stated that her husband works in Ranchi in HDFC Bank. She stated that her husband took her to Ranchi, where she lived properly for six months, but in the meantime, he got involved in love affair with a girl namely Neha Sharma. She stated that if the petitioner keeps her well, she is ready to go with him.

9. The petitioner has been examined as OPW-1 and he has stated before the learned Court that after marriage, his wife came to his house at Kund Mohalla, Daltonganj. She lived there only for 6-7 days and thereafter her wife indulged in altercation with him. He stated that she lived in her parental home for about two and half years. He also stated that the dowry case has also been filed against him and they have reached a settlement in Mediation center, but after then, further altercation started. He further stated that he is paying Rs.8,000/- per month to his wife for maintenance and he has lost his job and he works as an insurance agent and as a loan agent and earns Rs.15-20 thousand per month and this is how, he manages his expenses. He stated that apart from that, he has not other means of earning. He has denied that he is still working in Axis Bank and getting salary of Rs.80,000/- He has been shown a photograph of the girl Neha Sharma and in photograph, the petitioner is also present.

10. In these backgrounds, the learned Court has appreciated the

evidences and found the quantum. He has found that the petitioner herein admitted that he is working in Axis Bank and his monthly income is Rs.76,000/-. He resides at Malabar Enclave, Bariyatu, Ranchi. He is paying EMI of Car loan, personal loan. Petitioner has been examined himself before the learned Court and in Examination in Chief, he has stated that he has lost his job. Learned court has found that no termination letter has been brought on record to establish that he has lost his job. The learned Court considering the Judgment passed by Hon'ble Supreme Court in the case of **Rajnesh Vs. Neha & Ors.** reported in **(2021) 2 SCC 324**, he found that the assets and liabilities have been concealed by the petitioner and the guidelines made therein in the said case, the learned Court by accepting the guidelines has come to the conclusion of the income of the petitioner and further considering the EMI and other liabilities and the salary deposits in his account of January 2022, Rs.89,316, Feb, 2022, Rs.84,209/-, March 2022, Rs.84694/- and so on and in that period total deposits in his account was Rs.7,45,319.50. The Petitioner has also filed statement of transaction in Saving A/C of ICICI Bank for the period September 30, 2020 to September 30, 2021 showing deposits and withdrawals from his account and during the above period, total deposits in his account was 9,73,294.45. and during the period 01.04.2024 to 28.07.2024 showing deposits and withdrawals from his account and during the above period total deposits in his account was Rs.33,05,755.17. The ICICI Prudential Mutual Fund Folio found to be value of Rs.2,68,848.76 as on 17.10.2022, ICICI

Prudential India Opportunities Fund Growth having value of Rs.71,199.22 as on 08.09.2022, HDFC Multi Cap Fund Regular Growth was found value of Rs.86,681.02 as on 04.11.2022.

11. On the above ground, the learned Court has further found that the petitioner is paying Rs.8,000/- per month as interim maintenance. Learned Court has further found that the petitioner has stated that he is earning only Rs.15-20 per month, however, he has admitted that he is maintaining a car, bike, has investment in mutual funds, paying EMI of Car loan, personal loan and house rent and on these backgrounds, the learned Court has passed Rs.20,000/- as maintenance to the wife to be given by the petitioner and the learned Court has taken care of the Judgment passed by the Hon'ble Supreme Court in the case of Rajnesh Vs. Neha & Ors. reported in (2021) 2 SCC 324.

12. In view of above, this Court finds that there is no illegality in the impugned order passed by the learned Court. In view of that, this Criminal Revision Petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

R.Kumar