

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.764 of 2025

Rakesh Roshan, aged about 42 years, son of Shri Shivjee Rai, Resident of C-102, Neo City Phasi-II, Bakori Road, Wagholi, P.O & P.S- Lonikand, District-Pune. ... Petitioner

Versus

1. The State of Jharkhand
 2. Nikita Roshan, wife of Rakesh Roshan, D/o Uma Shankar Pradhan,
 3. Nitara Rai, aged about 4 years, Daughter of Rakesh Roshan, represented through her mother (Nikita Roshan)/ O.P No.2.
 Both Resident of Pradhan Niwas, Shivaji Nagar, Dumardaga, P.O & P.S- Buti, District - Ranchi, Jharkhand. ... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Sunil Singh, Advocate.
For the State	:	Mr. Bhola Nath Ojha, Spl. PP

2/15.09.2025 Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. This Revision Petition has been preferred against the Judgment dated 26.05.2025 passed by learned Principal Judge, Family Court, Ranchi in Original Maintenance Case No. 261 of 2023, whereby the learned court has been pleased to allow the petition filed under Section 125 of Cr.P.C. by O.P No. 2 & 3 and ordered for payment of Rs. 20000/- per month to O.P No.2 and Rs. 15000/- to O.P No.3 per month towards maintenance from the date of filing of the case i.e., 21.06.2023 by 10th day of every succeeding month and further directed that the arrears of monthly maintenance shall be payable within six months from the date of judgment in equal instalments.

3. The learned counsel appearing for the petitioner submits that the marriage between the O.P No.2 and petitioner was solemnized on 05.05.2013 in accordance with Hindu rites and rituals at village Chhotka Dhakaich, Buxar, Bihar in presence of family members and relatives of

both the sides. He submits that out of the wedlock, two children have born and one daughter is residing with this petitioner and one daughter, who is aged about four years is residing with O.P. No.2.

4. He further submits that the learned Court has allowed the petition filed under Section 125 of Cr.P.C. without appreciating the fact and the O.P. No.2 is also earning. In view of that, he submits that the learned Court has wrongly passed the impugned order and, on this ground, he submits that the impugned order may kindly be set-aside.

5. It transpires from the impugned order that the learned Court has framed three issues to decide whether the petition filed by the O.P. No.2 is fit to be allowed or not and that is as under: -

- (i) That she is legally wedded wife of the O.P./husband.
- (ii) That her husband having sufficient means is neglecting or refusing her and child to maintain or taking due care of the O.P. No.2.
- (iii) That she is unable to maintain herself and children.

6. Learned Court has further considered Section 125 of Cr.P.C.

7. The OP2 has produced two witnesses and the learned Court has found that both the witnesses of the OP2 have supported and corroborated the case of OP2. They have deposed about the marriage between the petitioner and Opposite Party was solemnized on 05.05.2013 and birth of two daughters out of their wedlock. Petitioner herein is working in Chennai as Senior Software Engineer in HCL and the petitioner and his parents started demanding of dowry to the tune of Rs.50 lakhs. The other things have further been considered elaborately by the learned Court. The complaint Case has been filed by the O.P. No.2 being Complaint Case No.5536 of 2023 against the petitioner and

other family members for torture and demand of dowry. In the cross-examination, AW-2 has deposed that the O.P. No.2 is working in BPO and gets Rs.8,000/- per month. She has two daughters out of whom, her elder daughter resides with the petitioner and studying in Class-III and her education expenses are being borne by the petitioner. She has stated that the petitioner's salary was Rs.1.10 to 1.15 lakhs and now his salary would be Rs.1.50 lakhs and she further stated that the O.P. No.2 is living separately since 08.12.2022. During the cross-examination, AW-1, father of O.P. No.2 has also supported the case.

8. OPW-1 and OPW-2 have deposed that the monthly salary of the petitioner is Rs.01 lakhs and the O.P. No.2 has also filed a case Under Section 498-A of IPC against the petitioner and the younger daughter is living with the opposite party No.2. In the cross-examination, OPW-1 has deposed that the petitioner is a Software Engineer in HCL Company as Technical Lead since 2018 and before that in the year 2013 to 2018, he was working in Allen Musk Company as Software Engineer and since last 10 years, he is filing his income Tax Return. It is admitted that the package of his company is Rs.18 lakhs. His father has retired from Air-Force and he gets monthly pension. He lives in Pune in a rental house. His ancestral house is in Diya, Buxar is admitted, however, that has not been divided between the family members. He has purchased a land of Rs.6.4 lakhs is also been admitted and there is a flat in Noida and also a flat in Pune in the name of his father. He further admitted that he did not provide any maintenance to his wife.

9. In these backgrounds, the learned Court has found that the O.P. No.2 is the legally wedded wife of the petitioner herein. There are two

daughters out of the wedlock, one is residing with the petitioner and the younger daughter is residing with O.P. No.2. The O.P. No.2 left the matrimonial home since 18.12.2022 and she is residing in parental home and it is pointed out that the complaint case has been lodged by the O.P. No.2. Learned Court has also taken into consideration that the O.P. No.2 is working in BPO and she earns Rs.8,000/-. In light of that the learned Court has further considered the petition filed under Section 125 of Cr.P.C. and for that he considered the Judgment passed by the Hon'ble Supreme Court in the case of **Rajnish V. Neha** reported in **(2021) 2 SCC 324** as well as the case of **Iqbal Bano Vs. State of U.P. & Anr.** reported in **(2007) 6 SCC 785** and it has been found that the status of the petitioner is above the O.P. No.2. Petitioner being the husband is bound to maintain the wife. The learned Court found that the amount earned by the wife is meager, that is not sufficient for maintenance for two persons and after considering the income and other liabilities, the learned Court has passed the impugned order.

10. In light of above discussions by the learned Court, this Court has found no illegality in the impugned order.

11. Accordingly, this revision petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

R.Kumar