

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 915 of 2024

Himanshu Shekhar, aged about 42 years, S/o Late Ramcharit Mahato,
R/o Village- Paharpur, P.O. Paharpur, P.S. Medni Chowki, District-
Lakhisarai (Bihar) **... Petitioner**

-Versus-

1. The State of Jharkhand
2. Priya, aged about 33 years, W/o Himanshu Shekhar, D/o Kamlesh Prasad Singh
Present Address: Flat No. Bungalow No.05, Near Kali Mandir, Ramkanali,
P.O. Katrasgarh, P.S. Katras, District- Dhanbad (Jharkhand)
Permanent Address: Village- Baha Chowki, P.O. Baha Chowki, P.S. Dharhara, District- Munger (Bihar) **... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Pratiush Lala, Advocate
For the State : Mr. Suraj Deo Munda, A.P.P.

05/15.09.2025 Heard Mr. Pratiush Lala, learned counsel appearing for the petitioner
and Mr. Suraj Deo Munda, learned counsel appearing for the State.

2. This criminal revision petition has been preferred challenging the order dated 15.05.2024 passed by the learned Principal Judge, Family Court, Dhanbad in connection with Original Maintenance Case No.299/2022, whereby, the learned Court has been pleased to direct the petitioner to pay Rs.20,000/- per month to the opposite party no.2 which will be payable by 10th day of each succeeding month and the maintenance amount will be payable from the date of application i.e. from 23.05.2022 and further direction has been made that all the arrears will be paid within two months from the date of that order.

3. Learned counsel appearing for the petitioner submits that opposite party no.2 is legally wedded wife of the petitioner, who is the husband and their marriage was solemnized on 08.07.2019 at Goenka Dharamshala, Munger, Bihar as per the Hindu Rites and Customs. He submits that after

marriage, opposite party no.2 went to her Sasural and lived as wife and husband at Paharpur, P.O. Paharpur, P.S. Medni Chowk, District- Lakhisarai (Bihar). He further submits that opposite party no.2 has asserted that during her stay at her matrimonial house, the petitioner and his family members started subjecting her mental and physical cruelty and started demanding dowry of Rs.20 Lakhs and on failure to fulfil their demand, they banished her from her matrimonial house on 20.07.2019 and, thereafter, she has filed the complaint case being C.P. Case No.144/2021 against the petitioner, which is pending before the learned Court. He also submits that opposite party no.2 is a qualified lady and she is doing job and in spite of that, the learned Court has passed the said order of maintenance, which is against the mandate of law. He further submits that bank statements have also been filed by the petitioner with regard to earning of opposite party no.2, which has not been properly appreciated by the learned Court and in view of that, the impugned order may kindly be set-aside.

4. Learned counsel appearing for the State opposed the prayer and submits that even if the wife is earning that is not a complete bar and in appropriate case, the learned Court is competent to pass the order.

5. In view of the above submissions of the learned counsel for the parties, the Court has gone through the impugned order and finds that the learned Court has threadbare considered each and every argument of both the sides. Opposite party no.2 has been examined as P.W.1 and her mother has been examined as P.W.2. It transpires that divorce case has also been filed by the petitioner and certified copy of that case has been marked as Ext.A and certified copy of mediation report and photocopy of Informatory Petition

No.2465/2019 has been marked as Ext.A/1 and photocopies of the bank statement have been marked as Exts. Y and Y/1 respectively. In the above background, the learned Court has appreciated the evidence of P.Ws.1 and 2 and of the petitioner herein, who has been examined as R.W.1. The petitioner (R.W.1) has admitted the marriage, however, he has denied assertion of exchange of dowry at the time of marriage. The contention was also made on behalf of the petitioner herein that only for 13 days, opposite party no.2 has resided in the house of the petitioner. The petitioner has also stated that he has filed informatory petition being Miscellaneous Case No.2465/2019 and he has also proved the copy of the plaint of Matrimonial Suit No.186/2022, which has been marked as Ext.A and mediation report, which has been marked as Ext.A/1. The bank statements of opposite party no.2 have been marked as Exts.Y and Y/1, which have also been proved by the petitioner. The learned Court has found that opposite party no.2 has filed an affidavit, wherein at paragraph J, she has disclosed that the petitioner is a doctor and he earns Rs.5 Lakhs per month, however, no document to that effect was filed. On the other hand, the petitioner herein has admitted that he is an employee in Bihar Government in Health Department and he was getting salary of Rs.62,000/- per month and in view of that, the learned Court on the admission has found that the income of the petitioner is Rs.62,000/- per month and it has been proved in light of the discussions made herein above as well as the contention made before the learned Court that both the parties are residing separately.

6. So far as the contention of the learned counsel for the petitioner with regard to earning of opposite party no.2 is concerned, the learned Court has

discussed all the things and relying on the several judgments, has come to the conclusion that even if the wife is having income, the Court is required to find out whether that is sufficient to enable her to maintain herself in accordance with the life style of her husband in future or not and considering several judgments of the Hon'ble Supreme Court, which have been noted in the impugned order, the said order has been passed and the maintenance has been awarded in favour of opposite party no.2.

7. The learned Court has further found out that it is admitted aspect of the matter that opposite party no.2 is living separately and the petitioner has sufficient monthly income to maintain his wife and he has intentionally ousted his wife from his house and also tortured her and in view of that, separate living of opposite party no.2 from the petitioner is totally justified.

8. In view of the aforesaid facts, reasons and analysis, the Court finds that there is no illegality in the impugned order and, as such, this criminal revision petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

Dated: 15th September, 2025
Ajay/