

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Rev. No. 1191 of 2025

Fotik Sheikh, S/o Mofujuddin Sheikh, R/o Vill- Mirzapur,
P.O.- Ganeshpur, P.S.- Barharwa, Dist.- Sahibganj.

--- --- **Petitioner**
Versus

1. The State of Jharkhand.
2. Dukhon Khatun, D/o Musibullah Sheikh, R/o Vill- Mirzapur,
P.O.- Ganeshpur, P.S.- Barharwa, Dist.- Sahibganj.

--- --- **Respondents**

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Gautam Kumar, Adv.
Mrs. Savita Kumari, Adv.
For the Resp. : None.

03/07.04.2026 Heard Mr. Gautam Kumar, learned counsel for the petitioner. None appears on behalf of the State.

This application is directed against the judgment dated 04.08.2025 passed in Original Maintenance Case No. 40/2024 by the learned Additional Principal Judge, Additional Family Court Rajmahal, whereby and whereunder, the petitioner has been directed to make payment of maintenance of Rs. 3,000/- per month to the opposite party no. 2 from the date of filing of the petition and it has further been directed to clear the arrears within a period of six months.

The petitioner is alleged to have committed rape upon opposite party no. 2 for which a report was also submitted and at the intervention of the well-wishers, the matter was compromised and on 17.01.2024, the marriage of the opposite party no. 2 was solemnized with the petitioner. It has been alleged that the opposite party no. 2 was tortured by various means by the petitioner and his family members and ultimately, she was ousted from her matrimonial house which led to institution of Complaint Case No. 137/2024. At the time of her ouster, the opposite party no. 2 was carrying a pregnancy of two and half months. Since the opposite party no. 2 does not have

any income, she had filed an application against the petitioner under Section 125 Cr.P.C. claiming an amount of maintenance of Rs. 15,000/- per month.

On being noticed, the petitioner had appeared and denied the allegations made by opposite party no. 2 and has also denied of having ever married the opposite party no. 2.

In the 125 Cr.P.C. proceedings, witnesses were examined by both the sides and vide impugned judgment dated 04.08.2025, the learned Additional Principal Judge, Additional Family Court Rajmahal directed the petitioner to make payment of an amount of Rs. 3,000/- per month as maintenance from the date of filing of the petition and to clear the arrears within a period of 06 months.

It has been submitted by the learned counsel of the petitioner that there is no appropriate finding recorded by the learned court below with respect to the income generated by the petitioner. It has further been submitted that the learned court below has also failed to take into consideration the denial of the petitioner of having ever married the opposite party no. 2.

The learned court below, with respect to the age of the opposite party no. 2 and the solemnisation of her marriage with the petitioner, has given detailed reasonings based on the Marriage Certificate as well as the Transfer Certificate submitted by the petitioner and the evidence of the witnesses during the proceedings. The learned trial court has also, based on the evidence of the witnesses, come to a conclusion that the opposite party no. 2 was subjected to torture by the petitioner. So far as the amount of maintenance which has been awarded to the opposite party no. 2 is concerned, though no proof of income had been submitted by the petitioner and it has been stated by learned counsel for the petitioner that the petitioner works in a shop as a daily wager, but the learned trial court has taken a considerate view of the earnings of the petitioner and had awarded a meagre amount of Rs. 3,000/- month to the

opposite party no. 2.

Since the impugned judgment dated 04.08.2025 has dealt with all the aspects raised by the petitioner including the income of the petitioner, I do not find any reason to entertain this revision application which accordingly stands dismissed.

(Rongon Mukhopadhyay, J.)

Dated- 07th April, 2026.

Preet/-

Uploaded on: 10 /04//2026.