



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 2711 OF 2019

BETWEEN:

SRI SIDDARTH BOHARA
S/O GAJAPAT LAL BOHARA
AGED ABOUT 48 YEARS
R/A PETE BEEDI
HOLENARASIPURA TOWN & TALUK
HASSAN DISTRICT - 573 211.

...PETITIONER

[BY SMT. VIJAYA M N., ADVOCATE (PH)]

AND:

1. SMT. SAVITHA
W/O SIDDARTH BOHARA
AGED ABOUT 41 YEARS
2. PRIYA
D/O SIDDARTH BOHARA
AGED ABOUT 16 YEARS
SINCE MINOR REP BY HER
NEXT FRIEND MOTHER 1ST RESPONDENT

BOTH RESPONDENTS ARE
R/O VIVEKANANDA NAGAR
1ST CROSS, NAGASAMUDRA ROAD
CHANNARAYAPATNA TOWN AND TALUK
HASSAN DISTRICT - 573 211.

...RESPONDENTS

[BY SMT. KAMALA D K., ADVOCATE FOR R1 & R2 (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE
THE ORDER IN CRL.RP.NO.16/2019 PASSED BY THE IV ADDITIONAL

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



DISTRICT AND SESSIONS JUDGE, HASSAN DISTRICT (SITTING AT CHANNARAYAPATNA) DATED 05.03.2019 AND ORDERS PASSED IN CRL.MISC.NO.607/2013 BY THE COURT OF THE PRINCIPAL CIVIL JUDGE AND JMFC, CHANNARAYAPATNA DATED 27.12.2018, ALLOW THE PETITION.

THIS PETITION, COMING ON FOR *ADMISSION*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 05.03.2019 passed by IV Additional District and Sessions Judge, Hassan (Sitting at Channarayapatna) in Crl.RP.no.16/2019 and order dated 27.12.2018 passed by Prl.Civil Judge and JMFC, Channarayapatna in Crl.Misc.no.607/2013, this petition is filed.

2. Smt.Vijaya MN., learned counsel for petitioner submitted that alleging that petitioner herein had married respondent no.1 on 27.01.2001 at Shri Ranganatha Swamy temple, Srirangapatna and from wedlock a daughter-respondent no.2 was born to them but petitioner had neglected to maintain them despite having sufficient income, respondents had filed Crl.Misc.no.607/2013 on file of Prl.Civil Judge and



JMFC, Channarayapatna under Section 125 of Code of Criminal Procedure, 1973 (**CrPC**).

3. It was submitted, petitioner opposed same not only denying marriage with respondent no.1 but also contending that respondent no.2 was not born to him. However, without proper consideration, said petition was allowed under impugned order dated 27.12.2018. Aggrieved, petitioner challenged same in revision under Section 397 of CrPC. Though petitioner had urged substantial contentions, without proper appreciation, same was dismissed, leading to this petition.

4. At outset, it was submitted that petitioner had vehemently denied marrying respondent no.1. It was submitted, petitioner was resident of Holenarasipura where he had married one Manjula on 20.05.1989 and had two children. Whereas respondents claimed to be residents of Saligrama village in Channarayapatna. Without any substantive proof of marriage, respondents were seeking to hoist false claim against him. It was submitted, as per respondent no.1, her marriage was solemnized at Shri Ranganatha Swamy temple, Srirangapatna on 27.01.2001. Though said temple was under



administration of Mularai Department and would maintain records of all marriages performed there and respondent no.1, who deposed as PW.1 was cross-examined on this aspect and admission that she did not have any receipt for payment of money for performance of marriage ceremony or certificate of marriage, based only on self serving records, held petitioner was liable to pay maintenance to respondents. It was further submitted, as per respondent no.1, five persons on each side had attended marriage, but failed to mention their particulars. It was submitted, only documents produced were Birth Certificate of respondent no.2, RTCs, Ration card, Hospital record, School fee receipts, LPG connection book, Jewelry shop receipts, VAT certificate, Tax Assessment, Sale Deed, Photos, Sale deed, Voter lists and Aadhar cards, LPG insurance bond and SSLC Marks card of respondent no.2, none of would conclusively establish marriage between petitioner and respondent no.1. Besides, all witnesses examined by respondent no.1 were her relatives. Absence of independent witnesses cast serious doubts on her claim. Alternatively, it was submitted that petitioner was working in his uncle's jewelry shop and earning Rs.6,000/- per month and did not own



immovable property. Therefore, award of Rs.2,500/- to each of respondents as monthly maintenance was exorbitant and excessive. Thus, both Courts had concurrently erred in granting and upholding maintenance and prayed for allowing petition.

5. None appear for respondents.

6. Heard learned counsel and perused material on record.

7. This petition is by husband aggrieved by order of maintenance passed under Section 125 of CrPC.

8. Main ground of challenge is denial of marital relationship. While passing impugned order, trial Court has addressed same by referring to birth certificate of respondent no.2 mentioning name of petitioner as father. Even other documents consistently referred to petitioner as husband of respondent no.1 and father of respondent no.2. Said documents came into existence at undisputed point of time. Besides, Hon'ble Supreme Court in ***S Sethurathinam Pillai v. Barbara @ Dolly Sethurathinam*** reported in **(1971) 3 SCC 923** and ***Dwarika Prasad Satpathy v. Bidyut Prava Dixit and Anr.*** reported in **(1999) 7 SCC 675** has held strict proof



of marriage in proceedings under Section 125 of CrPC would not be necessary. In fact, in ***Smt.Santosh v. Naresh Pal*** reported in **(1998) 8 SCC 447**, it is held finding in maintenance proceedings about marital status would be tentative subject to final order in any civil proceedings if parties are so advised to adopt.

9. Though in cross-examination of PW.1 in instant case, it is elicited that she did not have Marriage ceremony receipt or certificate issued by Shri Ranganatha Swamy temple to substantiate marriage, that by itself cannot be conclusive to contrary when there are other documents such as birth certificate and school records of respondent no.2 as well as Aadhar card, Ration card, LPG connection Book etc. issued at undisputed time to prima facie establish marriage of respondent no.1 with petitioner when considered in light of ratio in above decisions. Consequently, order of maintenance passed by trial Court cannot be held to be without basis.

10. Insofar as challenge on quantum, Hon'ble Supreme Court has in ***Anju Garg v. Deepak Kumar Garg*** reported in **2022 SCC OnLine SC 1314** held, an able-bodied person



cannot shirk from responsibility of maintaining his wife and children dependent on him. In light of above, award of Rs.2,500/- as maintenance, which appears sufficient for bare survival, would not call for interference.

11. Hence no grounds to interfere, petition is ***dismissed***, but with observation that finding of marital relationship between petitioner and respondent no.1 will be tentative in case petitioner seeks for its determination in appropriate proceedings.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV
List No.: 1 Sl No.: 26