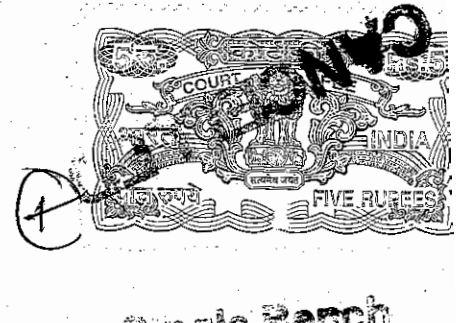
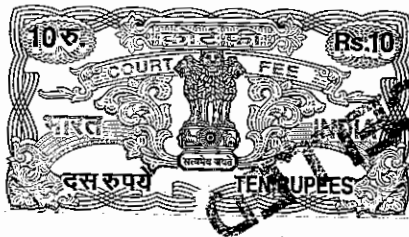




Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR (C.G.)

CRIMINAL REVISION NO. 411 OF 2013

APPLICANT :

Panchu Ram Gond, aged about 27 years, son of Kunwar Singh Gond, resident of Amlideeh Kala, Post Office, Police Station Chhuikhadan, Tahsil Khairagarh, Civil and Revenue District Rajnandgaon, Chhattisgarh

7/11/13
Presented by Shri. Raju Singh
dated 5/7/13

VERSUS

NON-APPLICANT:

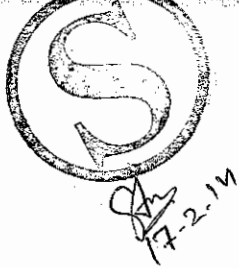
Kumari Dhaneshwari, daughter of Pawan Yadav (wrongly shown Panchu Ram Gond), aged about 1 ½ years; minor; through natural guardian mother Smt. Fatkan Bai, wife of Pawan Yadav (wrongly shown Panchu Ram Gond) resident of Village Amlideeh Kala, Post Office, Police Station Chhuikhadan, Tahsil Khairagarh, Civil and Revenue District Rajnandgaon, Chhattisgarh

R.N.
(R.N. Jha)

CRIMINAL REVISION UNDER SECTION 19 SUB SECTION 4

OF THE FAMILY COURT'S ACT; READ WITH SECTIN 397 OF

THE CODE OF CRIMINAL PROCEDURE



HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Justice P. Sam Koshy



Criminal Revision No. 411 of 2013

Applicant

Panchu Ram Gond

VERSUS

Non-applicant

Kumari Dhaneshwari

Shri R. N. Jha, counsel for the applicant.
None for the non-applicant.

**CRIMINAL REVISION UNDER SECTION 19 (4) OF THE
FAMILY COURTS ACT 1984**

O R D E R

(10.02.2014)

By way of the instant criminal revision, the applicant has challenged the order dated 10.05.2013 passed by the Family Court, Rajnandgaon in Misc. Criminal Case No. 7/2012 whereby the learned Family Judge has ordered the applicant for payment of Rs. 700/- per month to the non-applicant as maintenance.

2. Facts leading to the instant case are that the non-applicant was born from the relationship of the mother of non-applicant namely Fatkan Bai with the applicant. That the marriage of Fatkan Bai was performed with one Pawan Yadav and when the family members of her in-laws knew the fact that Fatkan Bai had been conceived from the relationship with the present applicant, they sent her back to her parental home.

3. Thereafter a meeting was convened in the village where the present applicant had accepted his relationship with the mother of non-applicant namely Fatkan Bai and also accepted that the



non-applicant was born from the said relationship. In the meeting, it was also agreed that the non-applicant and her mother Fatkan Bai would live with the present applicant. However, the said decision of the villagers was not acceptable to the family members of the applicant and they chased the non-applicant and her mother out of their house which compelled the non-applicant and her mother to move an application under Section 125 of the Code of Criminal Procedure seeking maintenance from the applicant.

4. After considering the submissions put forth by both the parties and the evidences on record, the Family Court vide its order dated 10.05.2013 directed the applicant to pay an amount of Rs.700/- per month only to the non-applicant as maintenance.

5. It is this order dated 10.05.2013 which has been assailed by the applicant in the instant criminal revision.

6. From the record it is evidently clear that on an earlier occasion the present applicant was charged in a criminal case registered as Sessions Trial No.04/2012 for the offence punishable under section 376 of IPC on account of subjecting the mother of non-applicant Fatkan Bai to physical relation on the pretext of marriage. In the said case, the relationship between the present applicant and mother of the non-applicant Fatkan Bai was established before the Court but taking into consideration the evidences which were brought on record, the Sessions Court vide its judgment dated 21.10.2012 acquitted the



present applicant of the charge under section 376 of IPC.

7. In the said Sessions case there was ample evidence whereby it was established that the non-applicant was born from the relationship of the applicant with the mother of non-applicant and that this fact was also brought before the village meeting wherein the non-applicant and the mother of non-applicant both were accepted to be taken by the present applicant to stay with him at his residence but subsequently the applicant refused. This part of the evidence is also supported by father of Fatkan Bai namely Guniram Yadav.

8. It is evidently clear from the judgment passed by the Additional Sessions Judge, Khairagarh in S. T. No. 04/2012 whereby the present applicant has been acquitted of the offence under section 376 of IPC vide order dated 21.10.2012 that the present applicant had a physical relationship with the mother of the present non-applicant. From the said judgment it is also established that the non-applicant was born from the relationship of the mother of non-applicant with the present applicant. ^hTherefore this Court does not find any error or illegality to have been committed by the Family Court while recording the findings in the instant case. Taking all these facts and circumstances into consideration and the evidences that have come on record, I am of the opinion that it is not a case where this Court should interfere with the findings arrived at by the Court below.

9. For the foregoing reasons, as there is no substance in the

instant criminal revision, the same is liable to be dismissed and
it is accordingly dismissed.

Sd/-
P.Sam Koshy