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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 895 of 2015**

Ramdular Sahu, S/o. Madan Sahu, Aged About 40 Years, Book Lifter
(Government Servant) Gajanand P.G. College, Bhatapara, District Baloda
Bazar, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Ashwani Bai Sahu, W/o. Ramdular Sahu, Aged About 35 Years, R/o. Village Datrengi, P.S. Bhatapara Gramin, Tahsil Bhatapara, District Baloda Bazar, Chhattisgarh
2. Minor Bheekam Sahu, S/o. Ramdular Sahu, Aged About 16 Years, Through Legal Guardian Mother namely Ashwani Bai Sahu, R/o. Village Datrengi Tahsil Bhatapara, P.S. Bhatapara Gramin, District Baloda Bazar, Chhattisgarh
3. Minor Bhoj Kumari Sahu, D/o. Ramdular Sahu, Aged About 15 Years, Through Legal Guardian Mother namely Ashwani Bai Sahu, R/o. Village Datrengi, Tahsil Bhatapara, P.S. Bhatapara Gramin, District Baloda Bazar, Chhattisgarh
4. Minor Kumari Janki Sahu, D/o. Ramdular Sahu, Aged About 9 Years, Through Legal Guardian Mother namely Ashwani Bai Sahu, R/o. Village Datrengi, Tahsil Bhatapara, P.S. Bhatapara Gramin, District Baloda Bazar, Chhattisgarh

---- Respondents-----
For Petitioner

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Mr. A.P.Sharma, Advocate
-----**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****07/10/2015**

1. The petition is against the order dated 28.07.2015 passed by the Additional Sessions Judge, Bhatapara, District Baloda-Bazar, in Criminal Revision No. H-15/2015. By such order, the order dated 02.03.2015 passed by the Judicial Magistrate First Class, Bhatapara, in Criminal Case No.S-56/2014 in between *Smt. Ashwani Bai Sahu & Others v. Ramdular Sahu* wherein the interim maintenance awarded has been affirmed.

2. Learned counsel for the petitioner submits that on the half of 50% of the salary has been awarded as interim maintenance and therefore that should be stayed as it leads to illegality.
3. Perusal of the order shows that the salary of the petitioner is Rs.16,955/- and after deduction Rs.14,965/- approximately Rs.15,000/- is being granted. The claimants are the wife Smt. Ashwani Bai, minor son Bheekam Sahu and minor daughters namely Bhoj Kumari Sahu & Kumari Janki Sahu. Perusal of the document would show that one of the child is suffering from Epilepsy for which the medical treatment is necessary. The Court below has awarded Rs.2000/- to the wife, Rs.2000/- to the son and Rs.1500/- each to the other two daughters.
4. Considering the amount of salary which is about Rs.15,000/-, the order of maintenance granted to the respondents cannot be said to be exceeded. Therefore, I am not convinced to invoke the extra ordinary jurisdiction of this Court under Section 482 of Cr.P.C. to arrest such finding of grant of interim maintenance.
5. Consequently, the petition has no merit and is accordingly dismissed at the motion stage itself.

Sd/-
(Goutam Bhaduri)
JUDGE