

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 490 of 2016**

Ramesh Kumar Patwa S/o Manohar Lal Patwa Aged About 30 Years  
R/o. Village - Soramsindhi, Thana - Patewa, Tahsil - Mahasamund, Civil  
& Revenue Distt. Mahasamund Chhattisgarh

---- Applicant

**Versus**

1. Smt. Keshari Bai W/o Ramesh Kumar Patwa Aged About 28 Years R/o Village - Bhoring P.S. - Tumgaon, Civil & Revenue Distt. - Mahasamund Chhattisgarh
2. Minor Ku. Meenakshi Patwa S/o Ramesh Kumar Patwa Aged About 3 Years Through Her Natural Guardian Mother Smt. Keshari Patwa, R/o Village - Bhoring P.S. - Tumgaon, Civil & Revenue Distt. - Mahasamund Chhattisgarh

----Non-Applicants

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|--------------------|-------|-------|------|-----------|
| For Applicant:     | Shri  | Sunil | Sahu | Advocate. |
| For Non-Applicant: | None. |       |      |           |

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**Single Bench:**     **Hon'ble Shri P. Sam Koshy, J**  
**Order On Board**

**13.6.2016**

1. Challenge in the present Revision Petition is to the order dated 29.3.2016 passed by the Family Court, Mahasamund in Misc. Criminal Case No.140/2015. Vide the said impugned order, the Court below has passed an order in a proceeding under Section 125 Cr.P.C granting maintenance to Non-Applicant No.1 to the tune of Rs.2,500/- per month and Rs.1,500/- to Non-Applicant No.2. Non-Applicant No.1 is the wife of the Applicant and Non-Applicant No.2 is the child born out of their wedlock.

2. Learned Counsel for the Applicant submits that so far as the granting of maintenance amount to Non-Applicant No.2 is concerned, he does not have

any grievance against the same but so far as the Family Court's granting maintenance to Non-Applicant No.1 is concerned, the same is bad in law for the reason that firstly, there is no justifiable reason for Non-Applicant No.1 to leave the matrimonial home and live separately. He further submits that the Court below has failed to appreciate the fact that in fact the present Applicant is keen to keep his wife i.e. Non-Applicant No.1 with him and for which, he had also made a statement in this regard before the Conciliation proceedings initiated by the Councilor, Mahila Cell in District Mahasamund and therefore, he has sought for quashment of the order to the extent of granting maintenance to Non-Applicant No.1.

3. However, a perusal of the impugned order and the record would clearly show that there is a specific finding of fact with regard to the present Applicant subjecting Non-Applicant No.1 to ill-treatment and cruelty after consuming liquor. Further, it is also a finding of fact by the Court below that the present Applicant is a chronic alcoholic and under the influence of alcohol, he used to subject Non-Applicant No.1 to ill-treatment for which there was already a complaint made by the Non-Applicant No.1 to the Women's Cell at District Mahasamund which had further referred the matter to the Conciliation. It has further come in the evidence that the present Applicant had admitted before the Councilor in the Conciliation proceedings that he is not able to come out of the influence of the alcohol and that he would not be able to leave the said habit. Likewise, the brother of the present Applicant also during the Conciliation proceedings, had made a statement accepting the fact that his brother is an alcoholic and that he would advise his brother, the present Applicant not to consume too much of liquor.

4. For the foregoing reasons, this Court is of the opinion that no illegality or perversity made out by the Court below in reaching to the conclusion of granting maintenance to Non-Applicant No.1. Further, this Court also does not find any good ground made out by the present Applicant to show that an amount of Rs.2,500/- awarded by the Court below in favour of Non-Applicant No.1 is also on higher side considering the source of of income and the nature of business carried out by the Applicant.

4. In view of above, this Court is of the opinion that no strong and good ground has been made out calling for interference with the impugned order and the Revision Petition, being devoid of any merits accordingly is dismissed.

Sd/-

(P. Sam Koshy)

**JUDGE**