

HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Revision No.622 of 2016

1. Smt. Ruchi Sahu W/o Shri Dwarka Prasad Sahu Aged About 25 Years
R/o Village Baronda Chowk Mahasamund, Thana - Mahasamund, Civil
And Rev. Distt. Mahasamund Chhattisgarh.
2. Minor Rounak Sahu S/o Shri Dwarka Prasad Sahu Aged About 2 Years
R/o Village Baronda Chowk Mahasamund, Thana - Mahasamund, Civil
And Rev. Distt. Mahasamund Chhattisgarh.

---- Applicant

Versus

Dwarka Prasad Sahu S/o Shri Khelan Ram Sahu Aged About 27 Years
R/o Village Chaitra, Thana Fingeshwar, Tahsil - Rajim, Civil Distt.
Raipur, Rev. Distt. Gariyaband Chhattisgarh.

-----Non-Applicant

For Applicants:	Shri	Sunil	Sahu,	Advocate.
For Non-Applicant:	None.			

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

08.7.2016

1. By way of the present Revision, the Applicants have challenged the order dated 7.5.2016 passed in Mis. Criminal Case No.171/2015 by the Family Court, Mahasamund. Vide the said impugned order, the Court below, while entertaining the Petition under Section 125 Cr.P.C, has granted maintenance of Rs.1200/- to Applicant No.2 and refused to grant maintenance to Applicant No.1.

2. Assailing the said order, Learned Counsel for the Applicants submits that he intends to challenge the order on two grounds, firstly that the Court below has, in a mechanical manner, refused to grant maintenance to Applicant

No.1/wife as there is sufficient evidence which was adduced by her assigning reasons for which she had to leave the matrimonial home. Secondly, the amount of Rs.1200/- awarded by the Court below is on the lower side and it would be difficult for sustaining Applicant No.2 with the said amount.

3. Having considered the submissions made by Learned Counsel for the Applicants and on perusal of paragraph-16 of the impugned judgment, it is found that there is a categorical finding by the Court below based on the cross-examination of Non-Applicant No.1 herself wherein she has emphatically refused to reside with the Non-Applicant/husband at his house in the village and she stated that she could live with him provided he shifts himself to an urban area rather than residing in a rural background. This statement in the cross-examination of Non-Applicant No.1 itself is a sufficient indication to show that it was she who is not ready to stay with the Non-Applicant/husband and therefore, in the opinion of this Court, the Court below has rightly refused the maintenance to Non-Applicant No.1/wife .

4. So far as the payment of Rs.1200/- as maintenance to Non-Applicant No.2 is concerned, the undisputed fact is that the child is of only 2 years age and that in addition, Applicant No.1/wife also has not been able to show the exact salary or source of income of Non-Applicant/husband and on the contrary, the Non-Applicant/husband has made a submission before the Court below that he is a daily wage employee earning around Rs.100 a day which costs around Rs.3,000/- a month and thus the amount of Rs.1200/- awarded by the Court below towards maintenance of Applicant No.2 cannot be said to be on the lower side.

5. For the foregoing reasons, this Court is of the opinion that no good case is made out for calling any interference in the impugned order.

6. In view of above, the instant Revision Petition being devoid of merits, the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

Priya