

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 860 of 2016

Hemkumar Sahu aged about 30 years, son of Ramadhar Sahu, resident of village Kiritpur, Tahsil Berla, District Bemetara (CG)

---- Applicant

Versus

Uma Bai Sahu, aged about 27 years, wife of Hemkumar Sahu, resident of village Kiritpur, Tahsil Berla, Present address village Chorbhatti, Tahsil and District Bemetara (CG)

---- Respondent

For Applicant : Shri Yogeshwar Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/09/2016

The present Criminal Revision has been preferred against the order dated 18.07.2016 passed by the 3rd Additional Principle Judge, Family Court, Durg in M. Cr. C. No. 156 of 2013 whereby the Court below in a proceeding under Section 125 of CrPC has allowed the application and directed the applicant for payment of Rs.1,000/- per month as maintenance to the respondent.

2. Counsel for the applicant assailing the impugned order submits that the Court below has not properly appreciated the evidence which has come on record. He submits that it is a case where the applicant was ready and willing to keep the respondent with him and it is the respondent who has voluntarily left the house of the applicant and does not want to stay with him. Hence, counsel for the applicant prays for setting aside of the impugned order.

3. However, on perusal of the record it is reflected that it is a case where the respondent on an earlier occasion had filed an FIR against the

applicant wherein the applicant was charged for the offence under Section 307 of IPC and the trial had resulted in conviction of the applicant. This order of conviction by itself is sufficient material for the respondent to stay separately from the applicant.

4. So far as the quantum of maintenance awarded by the Court below is concerned, taking into consideration the fact that it is only Rs.1,000/- which has been awarded by the Family Court which by no stretch of imagination can be termed to be exorbitant or on the higher side looking into the present day cost of living.

5. Considering all these facts this Court is of the opinion that there is no illegality or infirmity committed by the Court below while allowing the application under Section 125 CrPC and granting maintenance amount to the tune of Rs.1,000/- per month to the respondent.

6. Thus, the present Criminal Revision being devoid of merit deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**