

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 741 of 2016**

Sammelal Navratna S/o Ramalal Navratna, aged about 40 years,
caste Satnami, resident of village Bharatpur, Police Station and
Tahsil Bilaigarh, District Baloda Bazar-Bhatapara (CG)

---- Petitioner**Versus**

Smt. Bangla Bai W/o late Jwahir Kurrey, aged about 34 years,
resident of village Bilaigarh, District Baloda Bazar-Bhatapara (CG)

---- Respondent

For Petitioner

:

Shri S. K. Guha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/07/2016**

Challenge in the present Cr.M.P. is the order dated 30.04.2016 passed by the 3rd Additional Sessions Judge, Baloda Bazar in Criminal Revision No. 67 of 2015. By the said order the Revisional Court has rejected the revision petition preferred by the present petitioner against the order dated 07.08.2015 passed in MCC No. 18/2012 by the JMFC, Bilaigarh, Baloda Bazar awarding an amount of Rs.2,000/- per month as maintenance in favour of the respondent in a proceeding under Section 125 of CrPC.

2. Counsel for the petitioner assails the two orders passed by the Courts below on the ground that both the Courts below have failed to appreciate the fact that the factum of marriage between the petitioner and the respondent has not been established and there is no evidence produced by the claimant to show that either there was marriage between the petitioner and the respondent or for that matter there was a long cohabitation between the two as husband and wife so as to entitle the

respondent for claiming maintenance under Section 125 of CrPC. Counsel for the petitioner submits that it is a case where the respondent has falsely implicated the petitioner for extortion of money and there is no proof of the petitioner ever having been married to the respondent. He further submits that there is a specific averment made by the petitioner that he was already married to one Nageshwari Bai and subsequent to her death, he had further entered into a marriage with one Laxmin Bai but there was no relationship whatsoever between the appellant and the respondent. On the said grounds, counsel for the petitioner has questioned the impugned order and prayed for setting aside of the same.

3. However, on perusal of the documents placed before the Court below and the impugned order it would clearly reflect that the Court below has threadbare considered the evidence brought before it in the course of deciding the proceeding and the evidence shows that there was a marriage between the petitioner and the respondent on 31.03.2008. The said fact of marriage stands established from Ex.P-1 which is an Ekrarnama executed between the petitioner and the respondent on a stamp paper. Further, the execution of the Ekrarnama is also proved and established by the statement of PW-2 who has stated before the Court below that the petitioner and the respondent themselves had got the Ekrarnama Ex.P-1 executed and the said witness PW-2 was in fact one of the signatories as a witness in the Ekrarnama.

4. Thus, in the opinion of this Court, it cannot be said that the finding of the Court below was without any basis or evidence. The Court below has taken due consideration of the contentions of the petitioner and also the evidence brought on record and reached to the conclusion that there was a relationship between the petitioner and the respondent which is established by Ex.P-1 and also by the evidence of PW-2. Thus, this Court is of the opinion that there is no infirmity or illegality committed by the two

Courts below in reaching to the conclusion that the respondent is entitled for maintenance of Rs.2,000/- per month from the petitioner.

5. Accordingly, the instant Cr.M.P. being devoid of merit deserves to be and is dismissed.

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