

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 864 of 2016**

- Smt. Seema Thakur W/o Rahul Chandrakar Aged About 27 Years R/o. Village Salhebhata, Police Station Komakhan, Tahsil Bagbahra, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- Rahul Chandrakar S/o Pawan Chandrakar Aged About 26 Years R/o Village Devri, Police Station Komakhan, Tahsil Bagbahra, District Mahasamund Chhattisgarh At Present R/o. Village Lakholi, Police Station Mandirhasod, Tahsil Aarang, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Manoj Paranjpe and Mr. Vikram Dixit, Advocates

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****16/09/2016**

1. The present Revision Petition has been preferred challenging the order 07.05.2016 passed by the Family Court, Mahasamund in Misc. Criminal Case 155/2015 whereby the Application under Section 125 CrPC initiated by the Present Applicant has been rejected by the Court below.
2. Learned Counsel for the Applicant assailing the said order submits that the Court below has failed to appreciate the fact that the Applicant does enjoy the status that he was enjoying while she was residing in her matrimonial home with the Respondent-husband. He further submits that the Court below also has failed to appreciate the

fact that, what salary the Applicant is receiving from the State Government is not sufficient to maintain a decent standard of life and therefore also the impugned order deserves to be interfered with. It was also submitted by the Counsel for the Applicant that the fact that the Applicant wife is earning something does not mean that the Respondent husband would be discharged from his liability of maintaining his wife.

3. Having considered the submissions put forth by the Counsel for the Applicant and on perusal of the impugned order what clearly reflects is a categorical admission on part of the Applicant that she is working as Shiksha Karmi, Grade –III under State Government. Further perusal of the record it would also show that there is categorical admission by the Applicant herself in her pleading that her take home salary after all the deductions is approximately Rs. 12000/- per month.
4. From the aforesaid submissions and the factual position which is reflected from the pleading of the Applicant itself shows that the gross salary of the Applicant is much more than what she has stated in her pleading and which she has not disclosed before the Court below neither has produced any document in this regard before this Court. Further there is admission by the Applicant that her take home salary to be Rs. 12000/- itself is sufficient to prove the fact that she would be able to maintain herself in today's cost of living.
5. The Provision of Section 125 CrPC clearly stipulates that the said provision was enacted with an intention to protect those wives who

are not able to maintain themselves but in the instant case admission on the part of the Applicant by itself establishes the fact that she has got sufficient means to sustain herself.

6. Thus, for the aforesaid reasons this Court does not find any illegality and infirmity on part of the Court below in rejecting the claim application under Section 125 CrPC of the Applicant.
7. The present Revision Petition, being devoid of merits, deserved to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE