

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 313 of 2016**

Sushil Kumar Dubey S/o Shri Ramesh Prasad Dubey Aged About 39 Years
R/o Annapurna Para Road, Subhash Ward, Near Krishi Upaj Mandi,
Kanker, Police Station, Kanker, District Kanker, Chhattisgarh.

---- Applicant

Versus

Smt. Jyotibala Dubey W/o Sushil Kumar Dubey Aged About 24 Years R/o
Brahampara, Ghasidas Ward, Daundilohara, District Balod, Chhattisgarh

---- Respondent

For Applicant:

Mr. Jai Prakash Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11.05.2016**

1. The instant revision has been preferred by the Applicant challenging the order dated 07.01.2016 passed by the learned Additional Principal Judge, Family Court, Balod, whereby the Court below has ordered for interim maintenance of Rs. 1500/- p.m. payable to the Respondent in a proceeding under Section 125 of the Cr.P.C.
2. Learned Counsel for the Applicant submits that the impugned order of interim maintenance deserves to be set aside for the reason that the material facts have not been considered by the Court below in appreciating the conduct of the Respondent and further the fact that she is employed has also not been properly appreciated.
3. Having considered the total facts and circumstances of the case, prima facie it appears that the matter was pending before the Court below since 2012 and the impugned order of interim maintenance of Rs. 1500/- p.m. to the Respondent has been passed only after 4

years from the date of initiation of the proceeding under Section 125 of Cr.P.C..

4. Considering the facts, it is of the nature of interim relief and the final adjudication is still to be done wherein the Applicant would have all the liberties to produce evidence against the Respondent so far as her entitlement and claim is concerned. Therefore, this Court is of the opinion that no interference at this stage is called for in the matter.
5. However, it is directed that the Court below shall ensure that the proceeding under Section 125 of Cr.P.C. shall expeditiously be concluded taking note of the fact that the case is pending for last 4 years before the Court below.
6. With the aforesaid observations the Revision is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE