

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 321 of 2016**

Yasoda Bai W/o Navratan Chouhan Aged About 24 Years R/o Village -
Salni, Tahasil & P.S. - Jaijaipur, District - Janjgir - Champa Chhattisgarh
At Present Resident At Bade Mudhpar (Para Kusiyaaridih) P.S. Dabhara,
Distt. - Janjgir - Champa Chhattisgarh

---- Applicant**Versus**

Navratan Chouhan S/o Ghasiyaram Aged About 28 Years Caste -
Chouhan R/o Village - Salni Tahasil & P.S. - Jaijaipur, District - Janjgir -
Champa Chhattisgarh

----Non-Applicant

For Applicant:	Shri Ishwar Jaiswal Advocate.
For Non-Applicant:	None.

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

14.6.2016

1. The present Revision has been preferred challenging the order dated 6.1.2016 passed by the Family Court, Sakti, Distt. Janjgir-Champa in Mis. Criminal Case No.70/2014. Vide the said impugned order, the Family Court has rejected the application under Section 125 Cr.P.C filed by the present Applicant.

2. Learned Counsel for the Applicant submits that the Court below has not properly appreciated the evidence which has come on record and could not take notice of the fact that the Applicant had to leave her matrimonial house on account of the cruelty and torture being subjected by the Non-Applicant and her family members and that there was a constant demand of dowry and harassment by the Non-Applicant, which led her to leave the matrimonial house and stay with her parents.

3. According to the Counsel for the Applicant, there is also a finding of fact by the Court below to the extent that the present Applicant does not have any source of income for sustaining herself and therefore the Court below ought to have allowed the application under Section 125 Cr.P.C and granted suitable amount of maintenance.

4. However, perusal of the record would clearly show that the Court below has considered the evidence which has come on record, wherein it is evidently clear that except for a vague allegation made by the present Applicant that she had left her matrimonial home because of the harassment, torture and cruelty being inflicted upon her by her in-laws for which she has also lodged a report at Police Station, Janjgir-Champa, there is no evidence on behalf of the Applicant to substantiate her contention by lodging a report in the police station for the ill-treatment, harassment and torture that she had received in her matrimonial house.

5. On the contrary, the Court below has perused the evidence which has been produced by the Non-Applicant, wherein there are clear indications that the Non-Applicant had repeatedly been making efforts for bringing the present Applicant to stay with him and the efforts were also made at the society level and the elders of the society had also tried for a patch up between the parties directing the Applicant to go and stay with the Non-Applicant. But there was total non-cooperation on the part of the Applicant as well as from her father which was the basis the Court below had rejected her claim application.

6. In the opinion of this Court, in the given facts and circumstances of the case more particularly, the evidence which has come on record on the part of

the Non-Applicant indicating that several efforts have been made by him for making the present Applicant to stay with him, the impugned order does not suffer from any illegality calling for interference with the same exercising the revisional power and jurisdiction of this Court.

7. In view of above, the instant Revision being devoid of any merits, the same is accordingly rejected.

Sd/-
(P. Sam Koshy)

JUDGE

Priya