

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 595 of 2016**

Motilal S/o Ramcharan Gond Aged About 25 Years R/o Village Barauta,
Police Station Kotadol, Tahsil Bharatpur, District Korea, Chhattisgarh.

---- Applicant

Versus

Smt. Dhanmati @ Guddi W/o Motilal Aged About 21 Years Caste Gond,
R/o Village Goyni, Police Station & Tahsil Sonhat, District Korea,
Chhattisgarh.

---- Non-applicant

For Applicant

Shri Pawan Kesharwani on behalf of Mr. Anil
Gulati, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy

Order On Board

12/08/2016

1. Heard on I.A. No. 1 of 2016 which is an application for condonation of delay in filing the present Criminal Revision.
2. Considering the reasons assigned in the application for condonation of delay and the same found to be satisfactory, I.A. No. 1 allowed. Delay of 21 days in filing the present Criminal Revision stands condoned.
3. By way of the present Criminal Revision the Applicant intends to challenge the order dated 23.12.2015 passed in Misc. Criminal Case No. 21/2013 whereby the Judge, Family Court, Baikunthpur, District – Korea (C.G.) in a proceeding initiated by the Non-Applicant under Section 125 of Cr.P.C. has allowed the application for grant of maintenance and ordered for payment of Rs. 500/- p.m. to be paid to

the Non-applicant towards maintenance.

4. Learned Counsel for the Applicant assailing the said impugned order submits that the Court below has not properly appreciated the evidences which have come on record so far as reasons assigned by the Non-applicant – wife for not staying at her matrimonial home and staying separately from the Applicant. He further submits that the Court below has committed an error in not properly considering the evidence which has been led by the Applicant-husband as there was no reason shown by the Non-applicant for not staying with the present Applicant.
5. Having considered the total facts and circumstances of the case more particularly taking note of the fact that there is specific allegation made by the Non-applicant wife before the Family Court showing that the present Applicant had subsequently brought another lady – Chandawati and was staying with her maintaining a husband wife relationship. In the opinion of this Court the Court below has passed a reasoned order and does not warrant any interference.
6. So, far as the quantum of the maintenance amount awarded to the Non-applicant is concerned, an amount of Rs. 500/- is too meager an amount, therefore does not warrant interference by this Court exercising revision power conferred upon the Court.
7. Accordingly, the present Criminal Revision being devoid of merits, the same is dismissed.

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