

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1179 of 2016

- Harihar Thakur S/o Nageshwar Thakur Aged About 43 Years R/o L.I.G.- 197, Borsi, Vistar, Police Station Pulgaon, Tahsil & District Durg, Chhattisgarh, Present Address- Footpath At Borsi District Durg, Chhattisgarh.

---- Petitioner

Versus

- Smt. Sharda Thakur W/o Harihar Thakur Aged About 41 Years R/o Infront Of Nasine Kirana Shop, First Floor, B-Sector, Panchshil Colony, Borsi, Tahsil & District Durg, Chhattisgarh, At Present R/o L.I.G.- 197, Borsi, Vistar, Police Station Pulgaon, Tahsil & District Durg, Chhattisgarh.

---- Respondents

For Petitioner : Mr. J. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/10/2016

1. The present Petition under Section 482 of the Cr.P.C. has been filed seeking for reconsideration of the order passed by this Court on 8.7.2016 in Criminal Revision No. 617/2016.
2. The relevant facts for adjudication of the present case is that the family Court Durg in Misc. Criminal Case No. 620/2015 has allowed the application under Section 125 Cr.P.C. moved by the Respondent and awarded maintenance of Rs. 2000/- per month payable to the Respondent by the present Petitioner. The Petitioner had initially challenged the said order of the Family Court vide Criminal Revision 617/2016. This Court considering the case on merits and taking into consideration the grounds raised in the said application rejected the

Revision Petition on 08.07.2016 affirming the order passed by the Family Court, Durg.

3. Subsequently, the Petitioner preferred Review Petition seeking review of the order dated 8.7.2016 in Revision No. 617/2016. The said review petition was registered as Review Petition No. 136/2016. This Court on 19.09.2016 dismissed the Review Petition on its merits considering the grounds that were raised by the Petitioner in the Review Petition.
4. After the dismissal of the Review Petition also the present Petition has been filed again seeking for review of the same order passed by this Court in Criminal Revision 617/2016 dated 08.07.2016. This Court is of the opinion that the said act on part of the Petitioner in filing repeated petitions under different provisions of law seeking revision of the same order which this Court has already decided on merits and the Review Petition of which has also been dismissed is nothing but misuse of the process of law. The act on part of the petitioner filing petition under different provision of law is highly deprecative and thus without entering into the merits of the case view of this Court is that the present Petition deserves to be dismissed with a heavy cost.
5. Learned Counsel at this juncture submits that he has filed the present Cr.M.P. raising certain new grounds which he could not raise in the earlier two rounds of the litigation.
6. Unfortunately, the new grounds in respect of liability is not an acceptable ground for entertaining the Review Petition under any provision of law be it a review under civil law or for that matter re-consideration of the provisions under criminal law. Accordingly the

grounds raised by the Petitioner in the present Cr.M.P. does not find place as the grounds raised in the earlier two rounds of the litigation.

7. Thus, in the opinion of this Court no case for the present Petition under Section 482 of the Cr.P.C. is made out at all and it is nothing but misuse of the process of law, therefore, the Petition deserves to be and is accordingly dismissed with a cost of Rs. 5000/- to be paid to the High Court Legal Service within a period of 30 days from today, failing which the authorities shall be at liberty to initiate recovery proceeding under the Land Revenue Code.

Sd/-

(P. Sam Koshy)
Judge