

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 890 of 2016

- Smt. Ila Das W/o Sukriti Ranjan Das Aged About 75 Years R/o Sudarshan, Old Daga Building, Dr. Bhatthar Makan Ke Piche, Mahila Thana Ke Pas, Beren Bazar, Raipur Tahsil & District- Raipur, Chhattisgarh. Pin- 492001.

---- Applicant

Versus

- Shri Sukriti Ranjan Das W/o Late Shri Nandlal Das Aged About 82 Years Occupation- Advocate, R/o Bemetara Police Thana Ke Piche, Post Office Ke Samne, Bazar Para, Bemetara, District Bemetara, Chhattisgarh. Pin- 491335

---- Respondent

For Applicant : Shri Basant Kaiwartya, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

23/09/2016

1. The present Criminal Revision petition has been preferred against the order dated 12/08/2016 passed by the First Additional Principal Judge, Family Court, Raipur (C.G.) in Miscellaneous Criminal Case No. 189/14. Vide the said impugned order the Court below in a proceeding under Section 125 of Cr.P.C., whereby the present applicant has sought for grant of maintenance, was rejected.

2. Counsel for the applicant submits that the order of Court below is bad in law inasmuch as the Court below has not properly appreciated the evidence which have been adduced by the applicant. He further submits that the applicant in a very categorical term had established before the Court below in respect of the reason which compelled her to leave the matrimonial home, which has not been considered by the Court below.

3. However, considering the above submission and a perusal of the record would

clearly reflect is that the Court below has reached to the specific finding, considering the age of the applicant as well as the respondent also the fact that the applicant and the respondent got married somewhere in the year 1964 and for all these years there were no complaint whatsoever in respect of the respondent not maintaining her properly. Further for all this period she has not leveled any allegation in respect of the extra marital affairs. Therefore, the Court below has reached to the conclusion that the applicant has not been able to establish and justify the reason for her to leave the company of the respondent so as to get the benefit under Section 125 of the Cr.P.C.

4. This Court is of the opinion that there is no illegality or infirmity on the part of the Court below in reaching to the said conclusion and the present petition is accordingly devoid of merits and stands dismissed.

Sd/-
(P. Sam Koshy)
Judge