

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1417 of 2016**

Usha Devi wife of Ashok Kumar Rajput, aged about 22 years, R/o Jhaphal , Police Station & Tehsil Lormi, District Mungeli (CG).

---- **Petitioner**

**Versus**

Ashok Kumar Rajput, son of Jagdish Singh Rajput, aged about 25 years, R/o Gandhidih, PS & Tahsil Lormi, District Mungeli (CG).

---- **Respondent**

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| For Petitioner | : | Shri NK Chatterjee, Advocate. |
| For respondent | : | Ms. Usha Chandrakar.          |

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

**09/02/2017**

1. The present petition has been filed assailing the order dated 01.10.2014 passed by the Additional Sessions Judge, Mungeli, in Criminal Revision No.58/2013. Vide the said impugned order, the Sessions Judge has reversed the order dated 20.09.2013 passed by the Judicial Magistrate First Class, Lormi, in Misc. Case No.47/2013 whereby in a proceeding under Section 125 CrPC, the JMFC had allowed the application and have ordered for payment of Rs.1200/-per month as maintenance to the petitioner.
2. The said order dated 20.09.2013 was subjected to challenge in a Criminal Revision which was registered as Criminal Revision No.58/2013. The revisional court, taking into consideration the evidence which has come on record particularly Ex. D/1 and Ex. D/2, documents executed between the present petitioner and one Pradeep Rajput, reached to the conclusion that the order passed by the JMFC,

Lormi was not proper and justified.

3. A perusal of document Ex. D/1 & D/2 clearly reflects that the present petitioner was found to be living separately with one Pradeep Rajput, a person who was not her actual Husband. It has also come during the course of evidence led on behalf of the respondent before the JMFC, Lormi that the present petitioner was found red handed with Pradeep Rajput in her bedroom on 16.06.2013 and an intimation in respect of execution of document Ex. D/1 and D/2 was also given to the police Station Lormi.
4. If the revisional court has taken all these facts into consideration and have set aside the order passed by the JMFC granting maintenance, the same cannot be said to be bad in law in any manner as the provisions of Section 125(4) CrPC specifically holds that no wife shall be entitled to receive maintenance in case if she is living in adultery, or without any sufficient reason she refuses to live with the Husband.
5. The evidence which have come on record establishes both these ingredients as there is no sufficient reason established by the petitioner-wife to refuse to live with the Husband. In addition, there is also evidence brought by the respondent-Husband in respect of petitioner-wife living an adulterous life.
6. Thus, no strong case is made out calling for interference with the impugned order passed by the revisional court. Accordingly, the revision fails and is dismissed.

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