

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 579 of 2016**

1. Teras Bai W/o Shrilal Aged About 27 Years Caste Sahu, R/o Village Bhothidih, P.S. Jaijaipur, District Janjgir Champa, Chhattisgarh.
2. Ku. Nisha D/o Shrilal Aged About 3 Years 6 Month, Minor Represented Through Legal Guardian Mother Smt. Teras Bai Wife Of Shrilal Sahu, Caste Sahu, R/o Village Bhothidih, P.S. Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Applicants**Versus**

- Shrilal S/o Ajeet Sahu Aged About 30 Years R/o Village Salni, P.S. Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Non-applicant

For Applicants

Mr. Basant Dewangan, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****12.01.2017**

1. By way of the present Petition the Applicant has assailed the order dated 06.01.2016 passed by the Judge, Family Court, Shakti in Misc. Criminal Case No. 31/2014.
2. Vide the said impugned order the Court below in a proceeding under Section 125 of the Cr.P.C. has disallowed the claim application of Applicant No.1 and allowed the application for maintenance to Applicant No.2 ordering payment of Rs. 1000/- per month as maintenance.
3. It is this rejection of the claim application of the Applicant No.1 which

has been raised by the Applicants through the present Revision Petition.

4. Learned Counsel for the Applicants submits that the Court below has committed error in as much as in not appreciating the evidence which have come on record. According to the Counsel for the Applicants the Applicant No.1 has categorically stated that she had to leave her matrimonial home under compulsion. That she was subjected to cruelty and harassment at the hands of the Non-applicant for considerable long time which constrained her to leave matrimonial home and therefore she is entitled for maintenance.
5. However, perusal of the record shows that it is the finding of the Court below that the present Applicant No.1 was involved in infidelity in as much as she was found in compromising position with one Raja Chandra in an open field on two occasions and for which there was also a village meeting also called upon. It was only thereafter that the present Applicant No.1 had left for her parental house. It is also reflected from the evidence which have come on record that the statement of the Non-applicant husband stands corroborated and supported from the evidence of NAW-2, Chhotelal Chouhan, NAW-3 Yadav Chandra, NAW-4 Raju Ratan and NAW-5 Mohar Sai pertaining to the village meeting in the light of the illicit relationship of the Applicant No.1 with Raja Chandra. Once when there is a categorical finding by the Court below in respect of the Applicant No.1 living a life of adultery the Court below cannot be said to have committed any error of law nor there is any infirmity in the order

rejecting maintenance to Applicant No.1 and granting maintenance to Applicant No.2.

6. In view of the same, this Court is of the opinion that no good ground has been made out for interfering with the impugned order.
7. The present Criminal Revision accordingly stands dismissed being devoid of merits.

Sd/-

(P. Sam Koshy)
JUDGE