

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 652 of 2016**

- Shankar Lal Diwan S/o Bude Singh Aged About 27 Years R/o Bazarpara, Durgkondal, District North Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

1. Smt. Surekhan Jain W/o Shankar Lal Diwan Aged About 24 Years Caste Kalar, R/o Village Kanapod, Post Lakhanpuri, Tahsil - Charama, District North Bastar Kanker Chhattisgarh.
2. Manmohan Kurre S/o Ramprasad Kurre Permanent R/o Nagarda, District Janjgir Champa Chhattisgarh, At Present Constable C.F. - 16th Battalion, Narayanpur Camp-Ravghat Bench Chamber-170.

---- Non-applicants

For Applicant	Mr. Basant Zokarkar, Advocate
For Non-applicant No.1:	Mr. P.K. Tulsyan, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****17.02.2017**

1. The present Revision Petition has been preferred assailing the order dated 07.06.2016 passed by the Family Court, Kanker District – North Batar (C.G.) in Misc. Criminal Case No. 90/2013. Vide the said impugned order the Court below in a proceeding under Section 125 of the Cr.P.C. has allowed the application and ordered for payment of Rs. 3000/- per month as maintenance payable to the Non-applicant wife.
2. Learned Counsel for the Applicant submits that the finding of the trial Court is bad in law to the extent that the Court below has not appreciated the fact that there was no justified and sufficient cause for the Non-applicant wife to leave the matrimonial home. In the absence

of sufficient cause the application under Section 125 Cr.P.C. should not have been entertained. No other ground has been raised by the Applicant challenging the impugned order.

3. Learned Counsel for the Non-applicant No.1 however draws the attention of this Court towards finding of the impugned order in paragraph No.14 wherein it has been categorically mentioned that the during the conciliation proceeding on a couple of occasion the Non-applicant wife was sent for staying with the present Applicant but because of the cruelty met by the Applicant she could not stay there and she had to take shelter at her parental home. Thus prayed for rejection of the instant Revision Petition.
4. Having considered the facts and circumstances of the case and also having considered the submissions made by the Counsel for the parties, also the observation made by the Court below in the proceeding under Section 125 of the Cr.P.C. does not find any infirmity or illegality on the part of the Court below in reaching to the said conclusion. It is also relevant to mention that this Court also at the request of Counsel for the parties had sent the matter for mediation between the parties, during the mediation it is the Applicant who did not appear for the mediation. This also is a relevant fact for drawing an adverse inference against the present Applicant.
5. For the aforesaid reasons this Court does not find any strong case for interference with the impugned order.
6. Accordingly, the present Revision Petition stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE