

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 450 of 2018**

1. Smt. Santoshi Bai W/o. Sinu Ram, aged about 20 years,
 2. Minor Kanhaiya Ram S/o. Sinu Ram, aged about 1 ½ years
- Petitioner No. 2 is minor through his natural mother/guardian namely Smt. Santoshi Bai W/o Sinu Ram, aged about 20 years,
- Both are R/o. Village Gurmakona, Police Station and Tehsil Bagich, District- Jashpur (C.G.).

Applicants**Versus**

Sinu Ram S/o. Pehta Nagwanshi, aged about 56 years, Caste- Nagwanshi R/o. Village- Gurmakona, Police Station and Tehsil Bagich, District- Jashpur (C.G.).

---- Respondent

For Applicants	:	Mr. Govind Dewangan, Advocate
For Respondent	:	Mr. Harish Khuntiya, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

28/08/2018

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been preferred by the applicants against the order dated 17/01/2018 whereby the learned Family Court has rejected the application of the applicants preferred under Section 125 of the Cr.P.C on the ground that applicant No.1 is not legally wedded wife of the respondent nor applicant No.2 is legitimate or illegitimate child of respondent, therefore, they are not entitled for maintenance from the respondent.
3. I have heard counsel for the parties and perused the record.
4. From the pleadings and statement of applicant No. 1, it is clear that there was no marriage performed between the respondent and

applicant No.1. The respondent was already married. As per pleadings of applicant No.1, the respondent took her as wife as per social right, but this fact was not duly proved by the applicants before the Family Court. Thus, the Family Court rightly reached to the conclusion that applicant No. 1 is not legally wedded wife of the respondent.

5. With regard to the applicant no. 2 there is nothing on record on the basis of which, it can be presume that applicant No. 2 is legitimate or illegitimate child of the respondent because there is nothing on record which shows that applicant No.1 and respondent lived together at any time and she got pregnant from respondent. From the record it also reflects that on the basis of report made by Applicant NO. 1 a charge-sheet under Section 376 of the IPC was also filed and after trial Respondent had been acquitted vide judgment dated 20.08.2015. In these circumstances, the observation of learned Family Court that applicant No. 2 is not legitimate or illegitimate child of the respondent, in my considered opinion is in accordance with law.
6. The revision has no merit and the same is dismissed at the motion stage itself.

Sd/-
(Arvind Singh Chandel)
Judge