

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.819 of 2018**

Smt. Namita Chandrakar, wife of Jitendra Chandrakar, aged about 30 years, resident of New Subhash Nagar, Tikrapara, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

Jitendra Chandrakar, son of Malikram Chandrakar, resident of Idgahabhata, Near House of Sahu, Gali No.10, Thakur Pyarelal Ward, Raipur, District Raipur, Chhattisgarh

--- Respondent

For Applicant	:	Shri P.S. Rathore, Advocate
For Respondent	:	Shri D.K. Gwalre, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22.11.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 2.5.2018 passed by the Family Court, Raipur in Case No.1 of 2017, whereby the Family Court has rejected the application moved by the Applicant under Section 195 of the Indian Penal Code read with Section 340 of the Code of Criminal Procedure.
3. Earlier the Applicant filed an application under Section 127 of the Code of Criminal Procedure for enhancement of the amount of maintenance which was registered as M.Cr.C. No.675 of 2015. In that case, the Respondent had examined himself as Respondent Witness and also exhibited documents Ex.P1 to P10. After taking

evidence of both the parties, the said application under Section 127 of the Code of Criminal Procedure was allowed and the amount of maintenance was enhanced from Rs.6,000/- to Rs.10,000/- per month in favour of the Applicant vide order dated 24.8.2016. Thereafter, on 2.1.2017, an application under Section 195 of the Indian Penal Code read with Section 340 of the Code of Criminal Procedure was submitted by the Applicant on the ground that the documents Ex.P2 to P6 exhibited by the Respondent are forged documents and on the basis of those documents he has adduced false evidence. The allegations were denied by the Respondent. The Family Court, vide the impugned order dated 2.5.2018, has rejected the said application. Hence, this revision.

4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. From the record, it is clear that the Respondent has examined himself as Respondent Witness No.1 in the proceedings under Section 127 of the Code of Criminal Procedure, where he has deposed that he lives in a rented house on a monthly rent of Rs.2,300/- per month and he incurs expenditure of Rs.2,700/- per month for his breakfast and meals. In his support, he has submitted documents Ex.P2 to P6, which are the bills of expenditure of his breakfast and meals issued by one Keshav Chandrakar. Allegedly, on being inquired, it was found that Keshav Chandrakar does not run any hotel business nor has he any licence for the same. But, said Keshav Chandrakar has not been examined in the proceedings under Section 127 of the Code of Criminal Procedure. Thus, the statement of Keshav Chandrakar is

essential in this regard. Receipts of Ex.P2 to P6 were issued by Keshav Chandrakar or not or these receipts bear his own signature or not can only be stated by Keshav Chandrakar. In these circumstances, the receipts of Ex.P2 to P6, allegedly signed by said Keshav Chandrakar, are forged receipts is *prima facie* not established. Therefore, the Family Court has rightly rejected the application moved by the Applicant under Section 195 of the Indian Penal Code read with Section 340 of the Code of Criminal Procedure.

6. Consequently, I find no merit in the instant revision. It is, therefore, dismissed.
7. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge