

AFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Criminal Revision No.30 of 2018**

Sahni Ram, son of Akad Shiya Satnami, aged about 36 years, R/o  
Pisaud, P.S. Hasaud, District Janjgir-Champa, Chhattisgarh

**---- Applicant**

**versus**

1. Smt. Savitri Bai, wife of Sahni Ram Satnami, aged about 35 years,
2. Dashrath, aged about 07 years, son of Sahni Ram Satnami, Minor through guardian mother Smt. Savitri Bai, wife of Sahni Ram,

Both are R/o Pisaud, P.S. Hasoud, District Janjgir-Champa,  
Chhattisgarh

**--- Respondents**

**and**

**Criminal Revision No.427 of 2018**

1. Smt. Savitri Bai, wife of Sahni Ram, aged about 35 years,
2. Dashrath, S/o Sahni Ram, aged about 7 years, Minor through guardian mother Smt. Savitri Bai, wife of Sahni Ram,

Both are R/o Pisaud, P.S. Hasoud, District Janjgir-Champa,  
Chhattisgarh

**---- Applicants**

**versus**

Sahni Ram, son of Akad Shiya Satnami, aged about 36 years, R/o  
Pisaud, P.S. Hasaud, District Janjgir-Champa, Chhattisgarh

**--- Respondent**

|                                   |   |                               |
|-----------------------------------|---|-------------------------------|
| For Sahni Ram                     | : | Shri Ishwar Jaiswal, Advocate |
| For Smt. Savitri Bai and Dashrath | : | Ms. Sareena Khan, Advocate    |

**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**28.6.2018**

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Since both the revisions arise out of a common order, they are

disposed of together by this common order.

3. The revisions have been preferred against the order dated 10.11.2017 passed by the Family Court, Sakti (Link Court), District Janjgir-Champa in Miscellaneous Criminal Case No.32 of 2017, whereby the Family Court has directed Sahni Ram (arrayed above in the cause-title of the two revisions) to pay Rs.1,000/- per month to his son Dashrath as maintenance.
4. As pleaded by Savitri Bai, mother of Dashrath, on 9.2.2007, when she was alone at her house, Sahni Ram entered her house and committed forcible sexual intercourse with her and as a result of which she got pregnant. A village meeting was convened in which, on being asked by the Panchayat, Sahni Ram took her to his house as his wife. On 5.7.2007, after beating her, he ousted her from his house. At that time, she was carrying pregnancy of 6 months. She lodged a report on the basis of which, an offence under Sections 376 and 452 of the Indian Penal Code was registered against him. On 2.11.2007, birth of Dashrath took place. She filed an application against Sahni Ram for grant of maintenance in her and her son's favour. In reply, Sahni Ram denied the averments made by her in her application for maintenance. He pleaded that he has been acquitted of the charges framed under Sections 376 and 452 of the Indian Penal Code. He also denied Dashrath to be his son.
5. After recording of evidence, the Family Court has considered Dashrath as illegitimate child of Sahni Ram and has granted maintenance of Rs.1,000/- per month in his favour. Considering

Savitri Bai as not a legally wedded wife of Sahni Ram, the Family Court has rejected her application for grant of maintenance.

6. I have heard Learned Counsel appearing on behalf of the parties and perused the record with due care.
7. A bare perusal of the statements of both the parties, particularly, the statement of Savitri Bai makes it clear that she stayed at the house of Sahni Ram for 4-5 days and that too she was kept by Sahni Ram at his house on being asked by the Panchayat. In her cross-examination, she has admitted that she herself left the house of Sahni Ram after staying for 4-5 days saying that she will not live with him. There is nothing on record which could establish that any marriage had taken place between Sahni Ram and Savitri Bai. Therefore, the Family Court has rightly arrived at the finding that Savitri Bai is not the legally wedded wife of Sahni Ram.
8. Savitri Bai has categorically stated in her deposition that she got pregnant due to sexual intercourse done by Sahni Ram. Her statement is duly supported by her other witnesses Mohar and Rathram. Both have stated that there was a love relation between Sahni Ram and Savitri Bai. Mohar has further stated that Dashrath is the son of Sahni Ram. This statement has not been rebutted by Sahni Ram. Besides this, Sahni Ram himself has put a suggestion before Rathram, a witness of Savitri Bai that there was a love relation between him and Savitri Bai and he further suggested that due to that she had got pregnant. Thus, it is established that though Sahni Ram has been acquitted of the charges framed under Sections 376 and 452 of the Indian Penal Code, Savitri Bai

got pregnant from Sahni Ram and Dashrath is his illegitimate child. Therefore, there is no infirmity in the finding arrived at by the Family Court in this respect.

9. Considering the social status of both the parties and financial status of Sahni Ram, I find that the maintenance granted by the Family Court in favour of Dashrath is on lower side. It deserves to be and is accordingly enhanced from Rs.1,000/- to Rs.2,000/- per month. This enhancement shall be effective from today itself.
10. Resultantly, Criminal Revision No.427 of 2018, so far as it relates to Applicant No.1, Savitri Bai, is dismissed, but so far as it relates to Applicant No.2, Dashrath, is allowed to the extent indicated above. Criminal Revision No.30 of 2018, preferred by Sahni Ram, is dismissed.
11. Record of the Family Court be sent back along with a copy of this order for information and necessary compliance.

Sd/-

**(Arvind Singh Chandel)**  
**Judge**