

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 435 of 2019

Ashish Gupta, S/o. Shri Ramesh Gupta, Aged About 35 Years, R/o. Near Chhota Talab, Kundipara, Thana Kotwali Chhindwada, Tahsil And District Chhindwada, Chhattisgarh.

---- Petitioner

Versus

Smt. Sunita, W/o. Ashish Gupta, Aged About 39 Years, R/o. Hatri Bazar Bhatapara, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Rakesh Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.02.2019

Heard

1. The present petition is against the order dated 20.12.2018 passed by the Additional Sessions Judge, Baloda Bazar-Bhatapara in Criminal Revision No.H-17/2018 whereby the revision filed against the interim maintenance by the order dated 13.07.2018 was dismissed.
2. Learned counsel for the petitioner submits that the Court below has granted an amount of Rs.10,000/- per month which is much on the higher side and there is no evidence exists to grant such amount, therefore, the same may be reduced.
3. Perused the documents. The order of the Judicial Magistrate granting interim maintenance is not placed on record, only the order of the revisional Court is on record. The record and the document of the revisional Court would show that averments have been made that the petitioner is earning Rs.75,000/- per month having different business besides other agricultural income. The

revisional Court has referred to a Kishan Credit Card of Rs.3,80,000/- so as to evaluate the fact that the petitioner is financially well off. At this moment, there is nothing on record to show that the amount of Rs.10,000/- is exorbitant as against the finding of revisional Court. The parties are left before the Court below to lead their evidence. In view of this finding of fact, I do not find any reason to exercise the power under Section 482 of Cr.P.C. and interfere the order of the Court below.

4. Accordingly, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge