

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 535 of 2007

- Bajru Singh, S/o Ram Prasad, Caste-Kawar, aged 40 years, occupation- Service (Peon), District Court Ambikapur, District- Sarguja, C.G.

---- Petitioner

Versus

- Laxmi Bai, W/o Bajhroo caste- Kawar, Aged 35 years, R/o Kedar, Ring Road, Police Station- Ambikapur, District- Sarguja, C.G.

---- Respondent

For Petitioner	: Mr. Pushkar Sinha (Amicus Curie) Advocate.
For respondent	: Mr. Pawan Shrivastava (Amicus Curie), Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

29-11-2019

Heard.

1. This petition has been brought under Section 482 of Cr.P.C. praying to set aside the finding of the learned Family Court in order dated 15.11.2006 passed in Miscellaneous Criminal Case No.394 of 2005 passed by learned Family Court, Ambikapur, District- Sarguja, C.G. whereas it is held that respondent is the wife of the applicant.
2. It is submitted by the learned Mr. Pushkar Sinha (amicus curie) appearing for the applicant producing the evidence that respondent is not the wife of the applicant, which has not been appreciated by the learned Family Court in its true sense and given erroneous finding that respondent is the wife of the applicant. Therefore, prayed that this petition be allowed and finding in the impugned order as mentioned above is set aside.
3. Learned Mr. Pawan Shrivastava (amicus curie) appearing for respondent submits that learned Family Court has appreciated the evidence brought by both the sides and given this finding that the respondent is the wife of the applicant which needs no interference.

Therefore, the petition be dismissed.

4. The only question present before this Court is whether this finding that the respondent is the wife of applicant for the purposes of Section 125 of Cr.P.C. was proved by the respondent side in accordance with law or not.
5. Respondent, Laxmi Kumari (A.W.1) has stated that her marriage with the applicant was performed customarily in the society and thereafter she has resided with the applicant for sometime. She has produced the Family Card Ex. P-1 issued by the Municipal Corporation, Ambikapur in which she is shown as a member of the family of the applicant. She has also produced Ex.P-2 Adhikar Patra given under Rajiv Gandhi Ashray Yojna, 1998 in which her name is mentioned as wife of the applicant.
6. In cross-examination she has given the details of the marriage ceremony and denied the suggestion given that she was not a legally married wife of the applicant.
7. Sadhu Charan Sharma, (A.W.-2) is the priest, who has stated about performing the marriage of the respondent with applicant his statement has remained unrebutted in cross-examination.
8. Dev Charan (P.W.4) has supported the statement of (A.W.-2).
9. Applicant Bajru Singh N.A.W.-2 denied the marriage with the respondent but he has admitted that he has lived with the respondent for about 3 to 4 years. He has admitted the documents filed by the respondent namely Ex.P-1 and P-2 and has been unable to explain as to how the name of respondent is mentioned as his wife in these documents.
10. Shri Ram (N.A.W.-2) has denied the knowledge that applicant has married the respondent. Therefore, his statement is of no consequence of appreciating the evidence produced by both the sides. It is found that the respondent/applicant has very clearly stated in evidence regarding

her marriage with the applicant in this case and also the priest performing the marriage, who is Sadhu Charan Sharma (A.W.2) has supported her version. The mention of the name of the respondent in Ex.P-1 and P-2 has not been denied by the applicant. Therefore, the evidence of the respondent side have preponderance of probability, on the basis of which the conclusion that has been drawn by the learned Family Court is correct. Hence, on the basis of these discussions, I do not feel any reason to interfere with the impugned order. Therefore, this petition is found to be without any substance which is dismissed.

11. Accordingly, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge