

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 4865 of 2016 (O&M)
Date of decision : March 11, 2019

Jasmail Singh

....Petitioner

versus

State of Punjab and another

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ankit Joshi, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

Petitioner Jasmail Singh through this revision has challenged orders dated 6.10.2016 whereby his invocation by way of appeal stood dismissed by the court of learned Additional Sessions Judge, Ludhiana while upholding the orders of learned Judicial Magistrate Ist Class, Ludhiana dated 3.6.2015.

Heard Mr. Ankit Joshi, counsel for the petitioner and perused the records.

The brief facts are that the present respondent-wife Charanjit Kaur filed against respondent-petitioner husband and others an application under Sections 12, 17,18, 19,20,22 and 23 of

Protection of Women From Domestic Violence Act, 2005 (in short, the Act) seeking grant of maintenance to the applicant-wife as well as minor child Onkardeep Singh aged around 17 years born out of their wedlock. Upon due process of law, the court of learned Judicial Magistrate 1st Class allowed the prayer of the wife and ordered payment of Rs 1000/- per month as maintenance to the petitioner-wife. The same was upheld in the impugned findings under challenge.

From the records it is well elicited as to the inter-se relationship of the parties. Merely because the husband claims that the wife is living in an adultery without there being any concrete proof brought on the record does not suffice the purpose, merely because RW1 Gurmeet Kaur mother of the wife stated it so but on the other hand admits in her testimony by way of cross-examination that the husband had gone abroad for earning livelihood and that the wife does not own any property or income. Since it is the bounden duty of the husband to maintain the wife who has no source of income or does not own any property for upkeep, the provisions of the Act having brought about to prevent such vagrancies and destituteness and the fact that as has been observed in the impugned findings that the husband had remained admitted in Rehabilitation Centre to overcome his habit of drug addition certainly does not absolve him of his obligations. Counsel for the petitioner could not convince this Court

that there is any illegality or perversity in the findings of the courts below necessitating intervention by this case. The orders of the courts below are upheld. The present petition being without any merit stands dismissed in limine.

March 11, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>