

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 320 of 2020**

1. R. Venkat Rao, S/o Late R. Ramchandar Rao, Aged about 51 years,
 2. A. Madhukar Rao, S/o Late R. Ramchandar Rao, Aged about 56 years,
 3. Rama Rao, W/o R. Madhukar Rao, Aged about 51 years,
 4. R. (Shri) Niwasrao, S/o Ramchandar Rao, Aged about 46 years,
 5. Uma Rao, W/o R. Niwas Rao, Aged about 43 years,
- All R/o Vill- Subham Steel Industries, Baloda Road, Near Railway Crossing, Akaltara, District Janjgir-Champa (C.G.)

---- Applicants**Versus**

- Smt. Lalita Rao, W/o R. Venkat Rao, Aged about 46 years, R/o In front of Church Jyotipur, Tahsil Pendra Road, District Bilaspur (C.G.)

---- Respondents

For Applicants	:	Shri Ravindra Sharma, Advocate
For Respondent	:	None

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****15.11.2021**

1. Heard on admission.
2. The present revision petition under Section 397/401 of Cr.P.C. has been filed by the applicants against the judgment dated 04.11.2019 passed by the Additional Sessions Judge, Pendra Road, District Bilaspur (C.G.) in Criminal Appeal No. 20/2019, whereby the appellate Court has dismissed the appeal and affirmed the order dated 23.03.2019 of Judicial Magistrate First Class, Marwahi Link Court, Pendra Road in Misc. Criminal Case No. 43/2012 allowing the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005. By this revision petition, the petitioner is seeking setting aside of the judgment and order passed by both the Courts below.
3. Learned counsel for the applicants submits that both the Courts below have failed to appreciate that the respondent is living at her maternal house

without any sufficient reason and she has made allegation against the applicants which is false and baseless and the courts below have also failed to appreciate that no case of domestic violence is made out against the present applicants because the respondent is not a member of shared household since 2011. He further submits that the Courts below granted monetary relief to the respondent without considering the income of the applicant No.1 and wrongly held that the respondent is member of joint family, therefore, applicant No. 1 is liable to pay the maintenance from the income of joint family. Reliance has been placed on the C.A.V. order dated 22.04.2019 passed by the coordinate bench of this Court in ***Hemant Singh Rajput vs. Smt. Rekha Rajput, CRR No. 371/2015.***

4. Looking to the argument raised by learned counsel for the applicants, no specific maintenance granted in favour of the respondent, that only Rs.3,000/- per month granted for rental house to the respondent regarding her children namely Sidharth and Prachi Rao, further looking to the operative part i.e. in para-21 (c) & (d) of order dated 23.03.2019 passed by the trial Court, the amount granted is adjustable, the C.A.V. order relied upon by applicants' counsel being distinguishable on facts from the case of the present revision petition, this Court finds no illegality or perversity in the impugned judgment/order passed by the Courts below.
5. Consequently, the revision petition being devoid of substance deserves to be and is hereby dismissed at admission stage.

Sd/-

(Gautam Chourdiya)
Judge