IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No.1325 of 2023

Sushil Hansda, aged about 25 years, S/o Late Rasiklal Hansda, R/o- Village Kundapani, P.O. Raghunathpur, P.S. Poraiyahat, District –Godda, Jharkhand

…. **….** Petitioner

-Versus-

1. The State of Jharkhand
2. Rebeka Tudu, aged about 25 years, wife of Sushil Hansda, resident of village- Kundapani, P.O. Raghunathpur, P.S. Poraiyahat, District Godda (Jharkhand), presently residing at Village – Kasmar Tola Poraiyahat, P.O. Poraiyahat, P.S. Poraiyahat, District-Godda (Jharkhand) **….** **….** Opposite Parties

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner : Mr. Shresth Gautam, Adv.
For the State : Mr. Shailesh Kr. Sinha, A.P.P.

05/Dated: 16th December, 2024

1. Heard the parties.

2. The present criminal revision application has been filed against the order dated 31.08.2023, passed by the court of learned Principal Judge, Family Court, Godda in Original Maintenance Case No.105 of 2021, whereby amount of Rs.10,000/- *per month* has been awarded to the Opposite Party No.2/wife as maintenance.

3. It has been submitted by the learned counsel for the revisionist that the O.P No.2/wife is living adulterous life, rather, she has created her own home other than the matrimonial home and as such, she is not entitle for any maintenance. There is nothing on record to suggest that the O.P No.2/wife is unable to maintain herself. Further, it has been submitted that there is a *panchnama* to prove the adulterous life of the wife but that has been wrongly rejected.

4. Having heard learned counsel for the parties and on perusal of the impugned order, it appears that the *panchnama* has been considered in detail and thereafter, doubt has been created upon the evidence produced by the husband. The above evidence has not been accepted by the learned Family Court.

5. It is settled law that the appreciation of evidence cannot be interfered with, if proper consideration has been given. In the present case, learned Family Court

has given conscious consideration and he has also an opportunity to interact with the parties.

6. In view of the above facts, I find no reason to interfere with the findings recorded by the learned Court below, so far as the adulterous life of the wife is concerned. There is no pleading on the part of the revisionist/husband to suggest that the wife is an earning member. The revisionist/husband is a police constable.

7. In that view of the matter, the quantum of Rs.10,000/- per month is quite reasonable one as maintenance.

8. Accordingly, I find no reason to entertain the present criminal revision application. Accordingly, the same is hereby, disposed of.

(Rajesh Kumar, J.)

Raja/-
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