Shiv Prasad Agariya Vs Lalti @ Lalmani And Ors

Court: Chhattisgarh High Court

Date of Decision: Oct. 17, 2019

Acts Referred: Code Of Criminal Procedure, 1973 â€" Section 125, 482

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Pushpendra Kumar Patel

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. In an application filed by the respondents herein under Section 125 of the Cr.P.C., learned trial Magistrate refused to grant maintenance to

respondents No. 1 to 3 holding that respondent No. 1 is not the legally wedded wife of the petitioner but in the revision preferred by the respondents,

maintenance of â,¹ 7,000 /- has been granted to the respondents collectively against which this petition under Section 482 of the Cr.P.C. has been

preferred by the present petitioner.

2. Mr. Pushpendra Kumar Patel, learned counsel for the petitioner would submit that respondent No. 1 is not the legally wedded wife of the petitioner

and therefore, he is not bound to maintain her and her children.

3. I have heard learned counsel for the petitioner at length.

4. The revision Court, after appreciating oral and documentary evidence available on record, clearly recorded a finding that respondent No. 1 is the

legally wedded wife of the petitioner and respondents No. 2 and 3 are the son and daughter out of their wedlock. The aforesaid finding recorded by

the revision Court is a finding of fact based on evidence on record which is neither perverse nor contrary to record. Learned counsel for the petitioner

could not demonstrate any perversity in the said finding, moreover, the maintenance amount of â,¹ 7,000 /- granted to the respondents cannot be held to

be shockingly high warranting interference from this Court under Section 482 of the Cr.P.C. Thus, the impugned order is accordingly affirmed.

5. This criminal miscellaneous petition, being devoid of merits, deserves to be and is hereby dismissed. No cost(s).