



2026:CGHC:9219



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 277 of 2026

1 - Smt Hulsi Sahu W/o Pitambar Sahu Aged About 31 Years R/o Village Kuthrel, Tehsil And Distt. Durg, Chhattisgarh.

2 - Ku. Roshni Sahu D/o Pitambar Sahu Aged About 4 Years Through Mother Shrimati Hulsi Sahu, On Behalf Of Applicant No. 2, R/o Village Kuthrel, Tehsil And Distt. Durg, Chhattisgarh.

... Applicant(s)

versus

Pitambar Sahu S/o Pukhram Sahu Aged About 46 Years R/o Bhimkanhar, P.S. Suregaon, Tehsil Dhondilohara, Distt. Balod, Chhattisgarh.

... Respondent(s)

For Applicant(s) : Mr. Adarsh Rajput, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23/02/2026

1. The applicant has filed this criminal revision against the order dated 15.12.2025 passed by learned 1st Additional Principal Family JUDGE, Durg, District – Durg (C.G.) in Misc. Criminal Case



No.159/2019, whereby the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicants and directed the respondent to pay Rs.2,500/- per month to applicant No.2 towards maintenance.

2. Brief facts necessary for disposal of this revision are that the applicant and the respondent are legally wedded wife and husband, whose marriage was solemnized on 25.03.2013 as per Hindu rites and rituals. The applicant filed an application under Section 125 Cr.P.C. seeking maintenance, alleging that within 3–4 months of marriage, the respondent left her at her parental home while she was pregnant and thereafter refused to take her back despite efforts made by her family and community members. She gave birth to a daughter and informed the respondent, but he neither visited nor accepted the child and allegedly denied paternity. It is further alleged that when the applicant attempted to return to her matrimonial home, she was not allowed to enter and was driven away. Consequently, she lodged a complaint at the Women's Police Station and sought maintenance of Rs.6,000/- per month. The respondent filed his written statement denying all allegations and contended that the applicant's conduct was aggressive from the beginning of the marriage and that she was taken back by her father within two days. He denied having any physical relationship with her after marriage and disputed the paternity of applicant No.2, alleging that the applicant was in a relationship with one Niraj Kumar Sahu and that the child was not



his. He further stated that he works as a mason earning minimum wages and that false complaints were lodged against him. Thereafter the learned Family Court, by order dated 15.12.2025, partly allowed the application. While holding on the basis of a DNA report that applicant No.2 is the biological daughter of the respondent and directing him to pay maintenance to the child, the Court rejected the claim of maintenance of applicant No.1 by invoking Section 125(4) Cr.P.C., observing that she was living separately without sufficient cause. Despite recording that the respondent's income was approximately Rs.20,000-25,000 per month and that applicant No.1 had no independent source of income, her claim was dismissed. Hence, the criminal revision.

3. Learned counsel for the applicant submits that the impugned order is contrary to law, facts on record and the settled principles governing maintenance under Section 125 Cr.P.C. The learned trial Court gravely erred in invoking Section 125(4) Cr.P.C. without any cogent or conclusive evidence to establish that Applicant No.1 was living in adultery or had refused to reside with the respondent without sufficient cause. Mere allegations or isolated statements cannot amount to strict proof of adultery, which is a mandatory requirement for attracting the disqualification under Section 125(4) Cr.P.C. He further submits that the learned trial Court recorded a categorical finding, on the basis of the DNA report and admission of the respondent, that Applicant No.2 is the biological daughter of the respondent, yet denied maintenance to Applicant No.1 on the



very allegation of illicit relationship which stood demolished by such finding. The impugned order thus suffers from inherent contradictions, as the Court accepted the paternity of the child but simultaneously relied upon unproven allegations to reject the claim of the wife. He also submits that despite recording that the respondent earns approximately Rs.20,000/- to 25,000/- per month and that Applicant No.1 has no independent source of income, the Court mechanically and arbitrarily denied her maintenance. The learned trial Court failed to appreciate that Section 125 Cr.P.C. is a beneficial legislation intended to prevent destitution and must be interpreted liberally in favour of the wife. The findings being based on misreading of evidence and improper application of law render the impugned order perverse and unsustainable.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicants and directed the respondent to pay Rs.2,500/- per month to applicant No.2 towards maintenance, holding that applicant No.1 (wife) is not entitled to maintenance as she was residing separately without sufficient cause in view of the bar contained under Section 125(4) CrPC. The Court relied upon Exhibit D-2, wherein applicant No.1 had admitted that prior to



marriage she had a relationship with one Niraj Kumar Sahu and had stated that the child in her womb was his, and therefore concluded that she had voluntarily left the matrimonial home. However, on the basis of the DNA report and the admission of the respondent, the Court recorded a categorical finding that applicant No.2 is the biological daughter of the respondent and, therefore, he is legally bound to maintain her. Assessing the respondent's monthly income as a mason at approximately Rs.20,000–25,000/- and considering the overall circumstances, the learned Family Court rejected the claim of applicant No.1 and awarded maintenance only to the minor daughter at the rate of Rs.2,500/- per month from the date of order, which cannot be said to be on lower side.

6. Considering the submissions advanced by the learned counsel for the applicant and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice