

---

**(2013) 08 KAR CK 0061**  
**In the Karnataka High Court**  
**Case No : Criminal R.P. No. 1151 of 2011**

|                                                  |            |
|--------------------------------------------------|------------|
| Smt. Sarojamma, Sri. Vijayakumar and Sri. Punith | APPELLANT  |
| Vs                                               |            |
| Sri. Rajanaik                                    | RESPONDENT |

---

**Date of Decision :** 02-08-2013

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 125

**Citation :** (2013) 08 KAR CK 0061

**Hon'ble Judges :** H.N. Nagamohan Das, J

**Bench :** Single Bench

**Advocate :** B.M. Siddappa, for the Appellant; B. Pramod, for the Respondent

**Final Decision :** Allowed

---

## Judgement

H.N. Nagamohan Das, J.—This revision petition is directed against the order dated 12.08.2009 in CrI.R.P. No. 57/2008 passed by the Addl. Sessions Judge, Fast Track Court, Chitradurga reversing the order passed by the Civil Judge (Jr. Dn.) and JMFC dated 28.03.2008 in Cr. Misc. No. 41/2005. First Petitioner contends that she is the wife of respondent and out of this wedlock petitioners 2 and 3 are born. Since the respondent failed to maintain the petitioners and neglected them and married another lady by name Ambika Bai, petitioners initiated proceedings in C. Mis. 41/2005 for maintenance u/s 125 Cr.P.C. Respondent entered appearance before the trial Court and filed objections inter-alia denying the relationship. Before the trial Court petitioner examined three witnesses as PW. 1 to PW. 3 and got marked Exs. P1 to P3. Respondent examined two witnesses as RW. 1 and 2 and got marked Exs. R1 and R2. The trial Court on appreciation of the pleadings, oral and documentary evidence passed the order on 28.03.2008 in C. Misc. 41/2005 holding that petitioners are the wife and children of respondent, he neglected to maintain them and therefore directed to pay monthly maintenance of Rs. 1000/-. Aggrieved by this order of the trial Court, respondent filed revision petition before the Sessions Judge, Chitradurga in CrI.R.P. No. 57/2008. The revisional court on

reappreciation of the evidence on record passed the impugned order allowing the revision and reversing the order of the trial Court. Hence this second revision.

2. Heard arguments on both the side and perused the entire writ papers.

3. Respondent in his statement of objections categorically admitted that he is acquainted with petitioner no. 1, he developed intimacy with her and was visiting her house at Chitradurga. The second wife on coming to know the relationship between first petitioner and respondent made galata against the respondent and thereafter the relationship was discontinued. This pleading in the statement of objections of the respondent manifestly establishes that the first petitioner and the respondent were having relationship as husband and wife. The proceedings u/s 125 Cr.P.C. are summary in nature. The degree of proof in summary proceedings is different from other cases. The trial Court by considering this aspect of the matter rightly held that there is relationship between first petitioner and respondent as husband and wife. Further it is seen from the record that first petitioner complained to the Lokayukta Police with regard to the failure on the part respondent in maintaining the petitioner and deserted her. In response to the notice issued by the Lokayukta Police the respondent appeared before them and had given an undertaking that he will look after and maintain the petitioner and he will not give trouble to her. Except the interested testimony of respondent that lokayukta police obtained his signature on a blank paper, no other material is placed on record to disprove the endorsement issued by the lokayukta police as per Exs. P1 to P3 The trial Court by considering this documentary evidence on record rightly held that for the limited purpose of Section 125 Cr.P.C., this material on record is sufficient to hold that there was relationship between the first petitioner and the respondent. The revisional court committed an error in reversing this finding of the trial Court mainly on the ground that first petitioner has failed to prove the marriage by producing documentary evidence. The entire approach adopted by the revisional court is contrary to the object and scope of Section 125 Cr.P.C. Further the revisional Court failed to take into consideration the admission in the statement of objections filed by the respondent, the evidence and the documents. Therefore, the impugned order passed by the revisional court is liable to be set-aside. Accordingly, the following:

#### ORDER

- i) Revision petition is hereby allowed.
- ii) The impugned order dated 12.08.2009 in CrI.R.P. No. 57/2008 passed by the Addl. Sessions Judge Fast Track Court, Chitradurga is hereby set-aside.
- iii) The order dated 28.03.2008 in Cr. Misc. No. 41/2005 passed by the II Addl. Civil Judge (Jr. Dn.) and JMFC, Chitradurga is hereby restored