

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1691 OF 2009

SMT. MUNNI BAI

... APPELLANT(S)

VS.

BHANWARILAL AND ANR.

... RESPONDENT(S)

J U D G M E N T

Anil R. Dave, J.

1. Here the appellant is a miserable lady who has not been maintained by her husband. It appears from the record that respondent No.1-husband had been convicted for committing the offence of bigamy but the appeal filed against the said order was pending at the relevant point of time. We are not sure whether in the said appeal respondent No.1 has succeeded.

2. Be that as it may, the fact remains that the appellant is not paid any amount of maintenance though she is staying separately.

3. In the aforesaid circumstances, it cannot be said that the appellant is staying separately without any justifiable reason. In our opinion she should be maintained by respondent-husband.

4. Looking at the facts of the case, we set aside the impugned order passed by the High Court and remand the matter to the trial court so that after considering the

evidence, the trial court may take appropriate decision regarding payment of maintenance.

5. The appeal is disposed of as allowed.

6. Parties to the litigation would remain present before the Chief Judicial Magistrate, Tonk, Rajasthan on 25th November, 2015 at 11.00 a.m. so that the proceedings can be commenced.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
15th October, 2015.



JUDGMENT