

Court No. - 79

Case :- CRIMINAL REVISION No. - 378 of 2023

Revisionist :- Raj Kumar

Opposite Party :- State Of U.P. And 3 Other

Counsel for Revisionist :- Deepak Kumar Tripathi

Counsel for Opposite Party :- G.A., Shrawan Kumar Tripathi

Hon'ble Vipin Chandra Dixit, J.

Heard Sri Deepak Kumar Tripathi, learned counsel for the revisionist, learned A.G.A. for the State, Sri Shrawan Kumar Tripathi, learned counsel appearing on behalf of opposite party nos.2 to 4 and perused the record.

This criminal revision has been filed by the revisionist against the judgment and order dated 21.12.2022 passed by learned Additional Principal Judge, Family Court, Basti in Criminal Misc. Case No.114911 of 2014 (Chandrawati and others Vs. Raj Kumar), by which application filed by opposite party nos.2 to 4 under Section 125 Cr.P.C. was allowed and the revisionist was directed to pay Rs.1,500/- per month to opposite party no.2, who is wife of revisionist and Rs.500/- per month each to opposite party nos.3 and 4, who are minor children of revisionist.

It is submitted by learned counsel for the revisionist that opposite party no.2 along with children has left the house of revisionist without there being any sufficient reason and as such she is not entitled for any maintenance in view of Section 125(4) Cr.P.C. It is further submitted that the maintenance awarded by the Family Court is highly excessive without recording any finding in respect of monthly income of the revisionist.

On the other hand, learned counsel appearing on behalf of opposite party nos.2 to 4 states that the opposite party no.2 was tortured by her husband, who is revisionist in the present case and as such she is residing in her parental house along with children. It is further submitted that the maintenance at the rate of Rs.1,500/- per month in favour of wife and Rs.500/- per month each in favour of minor children as awarded by the Family Court cannot said to be excessive in any manner.

Admittedly, the opposite party no.2 is legally married wife of revisionist and opposite party nos.3 and 4 are minor children of

revisionist. The revisionist being husband of opposite party no.2 and father of opposite party nos.3 and 4 is morally bound to discharge his legal obligation of maintaining his wife and minor children in any circumstances. The husband cannot be heard to say that he is not in a position to earn enough to be able to maintain his wife and children.

Considering the facts and circumstances of the case and keeping in mind the spiralling inflation rate and high cost of living index, the Court is of the view that maintenance at the rate of Rs.1,500/- per month in favour of the wife and Rs.500/- per month each in favour of the minor children cannot be treated to be on the higher side rather it is too meagre.

In view of the above, there is no illegality, infirmity or perversity in the impugned order which may warrant any interference by this Court. No ground for interference is made out. The criminal revision filed by husband is liable to be dismissed.

The criminal revision is dismissed, accordingly.

However, it is provided that revisionist shall pay the entire arrears as on date in six equal monthly instalments to the opposite party nos.2 to 4, failing which it is open to opposite party nos.2 to 4 to initiate recovery proceedings against the revisionist.

Order Date :- 8.12.2023

Kpy