

Court No. - 44

Case :- CRIMINAL REVISION No. - 5310 of 2023

Revisionist :- Javed Iqbal

Opposite Party :- State Of U.P. And 2 Others

Counsel for Revisionist :- Pradeep Kumar Yadav, Rishi Raj Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar, J.

1. Heard Sri Babu Ram, Advocate assisted by Sri Pradeep Kumar, learned counsel for the revisionist and learned A.G.A. for the State respondents.

2. The instant criminal revision has been preferred against the judgement and order dated 14.08.2023 passed by the Additional Principal Judge, Family Court, Court No.2, Kanpur Nagar in Case No.945 of 2019 (Smt. Kamni Kausar and another vs. Javed Iqbal), under Section 125 Cr.P.C., Police Station Chakeri, District Kanpur Nagar, whereby the Court has awarded maintenance of Rs.3,000/- per month for wife and Rs.2,000/- per month for the minor son.

3. Learned counsel for the revisionist submits the opposite party no.2 herself denied to live with the revisionist without any reason, therefore, she is not entitled for any maintenance. He further submits that the revisionist has also filed a case for restitution of conjugal rights under Section 281 of Muslim Law before the Principal Judge, Family Court, Kanpur Nagar, which is pending. He also submits that the awarded amount is excessive and the revisionist is not in a position to pay the same.

4. Learned A.G.A. states that the story set up by the revisionist is unbelievable and the order impugned awarding maintenance is just and proper.

5. I have perused the impugned order dated 14.08.2023 passed by the Additional Principal Judge, Family Court, Court No.2, Kanpur Nagar in Case No.945 of 2019 (Smt. Kamni Kausar and another vs. Javed Iqbal), under Section 125 Cr.P.C., Police Station Chakeri, District Kanpur Nagar. There is no infirmity in the impugned order and the same is justified.

6. Hence, the criminal revision is devoid of merit and is, accordingly dismissed.

Order Date :- 12.10.2023

S.P.