

Court No. - 15

Case :- CRIMINAL REVISION No. - 1152 of 2023

Revisionist :- Samshul Laka

Opposite Party :- State Of U.P Thru. Secy. Deptt. Of Home
Lko. And 3 Others

Counsel for Revisionist :- Dhananjai Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Shri Dhananjai Kumar Tripathi, learned counsel for the revisionist and learned A.G.A. for the State as well as perused the record.

This revision has been filed by the revisionist against the impugned order dated 24.08.2023 passed by learned Principal Judge (Family Court), Shrawasti in maintenance case i.e. Case No.126/X/2018 (Smt. Sabeena Bano and Others vs. Samshullaka) under Section 125 Cr.P.C. by which the learned judge has allowed the interim maintenance application ex-parte and directed the revisionist to pay Rs.2000/- per month to wife/ opposite party no.2; as well as Rs.750/- per month to minor son/ opposite party no.3 and Rs.750/- per month to minor daughter/ opposite party no.4 till their attaining the age of majority.

Submission made by the counsel for the revisionist is that the revisionist is a very poor person having no source of income and he has been unable to pay Rs.3500/- per month. He further submitted that the court below has not considered that the opposite party no.2/wife is living separately from the revisionist without any reasonable reason so she is not liable to get any maintenance from the revisionist. After recording the statements of the contesting parties, without considering the facts and evidence on record allowed the application of the opposite party no.2 and directed the revisionist to pay Rs.2000/- per month to wife/ opposite party no.2; as well as Rs.750/- per month to minor son/ opposite party no.3 and Rs.750/- per month to minor daughter/ opposite party no.4 till their attaining the age of majority.

Per contra, learned A.G.A. stated that the court below passed the impugned order dated 24.08.2023 after considering the facts and circumstances of the case and the statements of the revisionist and opposite party no.2, in such circumstances to meet the ends of justice, the impugned order does not require

any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of court's process.

I have heard learned A.G.A. and perused the record.

Counsel for the revisionist has not been able to point out any such illegality or impropriety or incorrectness in the impugned order which may persuade this Court to interfere in the same. The amount fixed for maintenance was Rs.2000/- per month to the wife/ opposite party No.2; as well as Rs.750/- per month to the son of the revisionist/ opposite party No.3 and Rs.750/- per month to the daughter of the revisionist/ opposite party No.4, till their attaining the age of majority, which in the present days of high price rise cannot be said to be either excessive or disproportionate. The provisions of Section 125 of Cr.P.C are beneficial provisions which are enacted to stop the vagrancy of a destitute wife and children and provide some succor to them, who are entitled to get the maintenance which has been wrongly denied. The fact that the revisionist is the husband of opposite party No.2 has not been denied.

In such circumstances, to meet the ends of justice, the impugned order dated 24.08.2023 does not require any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of court's process.

In view of the above, this revision lacks merit and stands **dismissed**.

Order Date :- 13.10.2023

Manoj K.