

Court No. - 15

Case :- CRIMINAL REVISION DEFECTIVE No. - 361 of 2023

Revisionist :- Monu Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another

Counsel for Revisionist :- Ram Karan

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed,J.

(C.M.Application No. 2 of 2023)

This is an application for condonation of delay in filing the revision.

The Stamp Reporter has reported that this appeal is beyond time by 54 days.

Heard learned counsel for the revisionist and learned A.G.A. for the State and perused the record and perused the affidavit filed in support of delay condonation application, cause shown in the affidavit is found satisfactory.

On due consideration, application for condonation of delay is allowed.

Office is directed to allot regular number to this revision.

(Order on memo of revision)

Heard learned counsel for the revisionist and learned A.G.A. for the State and perused the record.

This revision has been filed by the revisionist against the order dated 08.05.2023 passed by the court of Principal Judge, Family Court, Barabanki in Criminal Misc. Case No. 1660/2022 : Smt Roli Verma Vs. Monu Verma) under Sections 125 Cr.P.C. whereby the family court allowed the application under Section 125 Cr.P.C. filed by the respondent No.2 and awarded maintenance allowance to the tune of Rs. 1500/- per month to opposite party No.2.

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. 1500/- per month. He further submitted that the court below has not considered that the

opposite party No.2 (wife) is living separately from the applicant 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 the family court awarded Rs.1500 /- per month to the wife-opposite party No.2 from the date of the order as interim maintenance allowance.

Per contra, learned A.G.A. stated that the court below passed the impugned order after considering the facts and circumstances of the case and the statements of the revisionist and respondent 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 AGA and perused the record.

Counsel for the applicant 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.1500 /- per month to the wife-respondent No.2, 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 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 respondent No.2 has not been denied.

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.

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

Order Date :- 13.10.2023

Arvind