

Court No. - 15

Case :- CRIMINAL REVISION No. - 1157 of 2023

Revisionist :- Aftab Alam

Opposite Party :- State Of Up Thru. Prin. Secy. Home And Another

Counsel for Revisionist :- Ashok Kumar, Chandra Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed, J.

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 31.08.2023 passed by the Court of Principal Judge, Family Court, Lakhimpur Kheri in Criminal Appeal No. 180 of 2023, by which a direction was issued to issue recovery warrant against the revisionist and in case of non-payment of alleged amount, it was directed to arrest the revisionist and produce him before court below.

Learned counsel for the revisionist submits that vide order dated 18.04.2022 Court of Principal Judge, Family Court, Lakhimpur Kheri allowed the application filed under Section 125 Cr.P.C. and has fixed Rs. 2000/- per month as interim maintenance to the wife-respondent No.2 and Rs.3000/- for expenses of filing the case. Learned counsel for the revisionist has not been able to point out any illegality or impropriety or incorrectness in the order dated 18.04.2022. The amount fixed for maintenance in the present days of high rise cannot be said to be either excessive or disproportionate. The provisions of Section 125 Cr.P.C. are beneficial provisions which are enacted to stop the vagrancy of a destitute 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.

After considering the facts and circumstances of the case it is clearly evident that there is no illegality in the impugned order dated 31-08-2023 and the maintenance awarded to the respondent No.-2 is very mere and needs no interference by this court. Since opposite party no.2 is legally wedded wife of the revisionist hence revisionist is liable to pay the maintenance awarded to him by the court below.

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

The court below is directed to recover the entire amount within one month from the date of this order without fail and the same be given to the wife of revisionist i.e. respondent No.2.

Order Date :- 13.10.2023

Arvind