

Court No. - 29

Case :- CRIMINAL REVISION No. - 1247 of 2023

Revisionist :- Durgesh Singh

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Civil Sectt.Lko And 3 Others

Counsel for Revisionist :- Vivek Pandey, Mahima Dixit, Sharad Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Renu Agarwal, J.

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

The present revision has been filed under Section 397/401 of CrPC, against the judgment and order dated 11.09.2023 in Criminal Case No.370/2019 (Smt. Renu Singh Versus Durgesh Singh) passed by Principal Judge, Family Court, Gonda.

It has been submitted by learned counsel for the revisionist that vide judgment and order dated 11.09.2023 in Criminal Case No.370/2019 (Smt. Renu Singh Versus Durgesh Singh) passed by Principal Judge, Family Court, Gonda, the application filed under section 125 Cr. P.C. of the opposite party no.2/wife of the revisionist has been allowed and the revisionist has been directed to pay a sum of Rs.7000/- per month from the date of moving an application under section 125 Cr.P.C., i.e., from 24.06.2019.

It is further submitted that marriage between the revisionist and the opposite party no.2 was solemnized in 2009 and after the period of 10 years, things started getting worse and opposite party no.2 left the house of the revisionist as the revisionist was living in Mumbai and he did not own a house. It is submitted that the opposite party no.2 is well qualified and skilled in stitching and embroidery etc. and works in a hospital whereas the revisionist is an illiterate person and does labour work.

During the course of arguments, learned counsel for the revisionist submitted that the applicant is willing to pay the sum of Rs.5,000/- per month to opposite party no.2 towards the maintenance of opposite party no.2, 3 & 4 and he is ready to pay the arrears till date of judgment in six installments.

From the perusal of the judgment and order dated 11.09.2023, it transpires that the revisionist has been directed to pay the maintenance of Rs.3000/- to opposite party no.2/wife and Rs.2000/- each to opposite party no.3 & 4/children of the

revisionist. The revisionist is ready to pay Rs.5000/- towards the maintenance of his wife and children collectively and arrears due, in six installments.

In the circumstances of the case, it is directed that the revisionist shall pay arrears due, in six installments and shall continue to pay Rs.5000/- per month to opposite party no.2 towards the monthly maintenance of opposite party no.2, 3 & 4.

It is made clear that if the revisionist shall continue to pay Rs.5000/- to opposite party no.2 per month towards the maintenance of opposite party no.2, 3 & 4 as admitted by him, the trial court shall not take any coercive action against him. However, if the revisionist fails to pay the maintenance amount as has been consented by him, the trial court shall be at liberty to take appropriate action against him in accordance with law.

With the aforesaid observation, the instant revision is finally **disposed of.**

(Renu Agarwal,J.)

Order Date :- 9.11.2023
Manoj K.