

Court No. - 15

Case :- CRIMINAL REVISION No. - 1379 of 2023

Revisionist :- Mohan @ Mohan Lal

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

Counsel for Revisionist :- Satti Charan Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Satti Charan Tiwari, 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 with a prayer to call for the record of the court below and set aside the impugned order dated 09.11.223 passed in Criminal Case No. 448 of 2021 Mrs. Kavita Versus Mohan awarding interim maintenance of Rs. 1500/- per month in favour of the opposite party no. 2 and allow the instant criminal revision in the interest of justice.

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 respondent 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 awarded Rs. 1500/- per month to the wife-respondent No. 2.

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 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. 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 revision lacks merit and stands **dismissed**.

Order Date :- 16.12.2023

Mayank