



2025:AHC:175270

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 892 of 2025

Rajnish Kumar Mehata

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Shivendra Kumar Singh, Vikash Kumar Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 84

HON'BLE SUBHASH CHANDRA SHARMA, J.

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

The present criminal revision has been filed with a prayer to allow the revision and set aside the judgment and order dated 29.11.2024 passed by the learned Principal Judge, Family Court, Sonbhadra in Misc. Case No. 345 of 2019 (Rima Devi and Others Vs. Rajnish Kumar Mehta), under Section 125 Cr.P.C..

It is submitted by learned counsel for the revisionist that in this case, the opposite party no. 2 is wife of the revisionist and opposite party no. 3 & 4 are minor children. The marriage of revisionist and opposite party no. 2 was performed in the year 2013 and thereafter opposite party no. 2 started misbehaving with the revisionist and she started living separate from him in her maika from the year 2019 and filed an application under Section 125 Cr.P.C. with an application for interim maintenance which was decided by the learned trial court vide order dated 29.11.2025 fixing the amount of interim maintenance Rs. 3000/- per month in favour of wife and Rs. 2000/- per month for each child (total Rs. 7,000/- per month) from the date of order. Further submitted that revisionist has no property or agricultural land and also there is no any regular source of income. He is also suffering with the disease of Epilepsy and is unable to make any income by working as labour. Learned trial court without considering these facts has passed the order,

therefore, request to set it aside and allow the revision and reduce the amount as fixed by the learned trial court.

Learned A.G.A. opposed the prayer as aforesaid.

On considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A, perusal of record and order passed by learned trial court, it appears that admittedly the revisionist and opposite party no. 2 are husband and wife and marriage was performed in the year 2013 and out of the wedlock there are two minor children (opposite party no. 3 & 4). Due to neglect on the part of the revisionist, the opposite party no. 2 is living in her Mayka with her minor children from the year 2019. There is no any source of income of the opposite party no. 2 and she is not able to maintain herself and her minor children. The revisionist being husband and father of the opposite party no. 3 & 4 is under legal obligation to maintain them even if he has no any property. Even if he works as a labour, he will earn about Rs. 12,000/- to 15,000/- per month at the rate of Rs. 400/- to Rs. 500/- per day. The amount of interim maintenance as fixed by the learned trial court of Rs. 1000/- per month in faovour of wife and Rs. 500/- per month in favour of each child from the date of application and from the date of order Rs. 3,000/- per month in favour of wife and Rs. 2000/- per month in favour of each child (total Rs. 7000/-) cannot be said to be excessive or more than sufficient. In this way, the order passed by learned trial court dated 29.11.2024 cannot be said to be illegal and in appropriate but this revision being devoid of merit is liable to be dismissed at the admission stage itself.

Accordingly, this criminal revision is dismissed.

(Subhash Chandra Sharma,J.)

September 26, 2025

Vibha Singh