

Court No. - 91

Case :- CRIMINAL REVISION No. - 2441 of 2024

Revisionist :- Pooran Raykwar

Opposite Party :- State Of U.P. And Another

Counsel for Revisionist :- Ajay Srivastava

Counsel for Opposite Party :- G.A., Kamlesh Ratan
Yadav, Rajendra Prasad

Hon'ble Madan Pal Singh, J.

1. Heard Mr. Ajay Srivastava, learned counsel for the revisionist, Mr. Rajendra Prasad Yadav, learned counsel for opposite party no. 2 and the learned A.G.A. for the state as well as perused the record.

2. The present criminal revision has been preferred with the prayer to set aside the judgment and order passed by the Principal Judge, Family Court, Jhansi dated 16th April, 2024 in Case No. 497 of 2021 (Vimla Raykwar Vs. Pooran Raykwar) under Section 125 Cr.P.C., whereby the Principal Judge has allowed the application under Section 125 Cr.P.C. filed by opposite party no. 2 and directed the revisionist to pay Rs. 20,000/- per month to opposite party no.2 from the date of filing of the application.

3. It is pertinent to mention here that by the same impugned judgment, the Principal Judge has rejected the petition filed by the revisionist under Section 13 of the Hindu Marriage Act which was registered as and also in Case No. 497 of 2021 (Pooran Raykwar Vs. Smt. Vimla Raykwar). Both the cases filed under different sections and different acts/code have been registered in same number, which are uncommon and impermissible.

4. On the matter being taken up today, learned counsel for the parties agree that this criminal revision may be disposed of finally at this stage without calling for any further affidavits in view of the order proposed to be passed today.

5. Facts in short are that the marriage of the revisionist was solemnized with opposite party no.2 on 2nd June, 1988. From the aforesaid wedlock, two sons and one daughter were borne. After some time of marriage, the relationship between the revisionist and opposite party no.2 became stained and incompatible. Consequently, opposite party no. 2 filed an application under Section 125 Cr.P.C. which was registered as Case No. 497 of 2021. The revisionist had filed his objection in the said case. After affording opportunity of hearing to both the parties, the Principal Judge has passed the impugned judgment. Hence the present revision.

6. Learned counsel for the revisionist states that the Principal Judge has passed the impugned judgment and order without considering the evidence led by him qua his monthly income. He further states that the presently the revisionist working on Class-IV post in the electricity department of the State of Uttar Pradesh and as per the salary slip of the month of March, 2025, his net pay is Rs. 47,309/-, a copy of has been brought on record at page 7 of the rejoinder affidavit. It is next submitted by the learned counsel for the revisionist that the revisionist has now to retire in this month, and after that he will be granted only pension and in that position, in these hard days, it will be very painful for the revisionist to pay Rs. 20,000/- per month to opposite party no.2 towards maintenance allowance, which is too exorbitant. On the cumulative strength of the aforesaid, learned counsel for the revisionist states that impugned judgment is liable to be set aside.

7. On the other-hand learned counsel for opposite party no.2 and the learned A.G.A. have opposed the present criminal revision by submitting that there is no illegality or infirmity in the impugned judgment passed by the Principal Judge so as to warrant any interference by this Court in exercise of revisional jurisdiction. Learned counsel for opposite party no.2 also states that after considering the oral as well as documentary evidence led before him, the Principal Judge has passed the impugned judgment while awarding Rs. 20,000/- per month in favour of opposite party no.2 towards maintenance allowance. He next submits that the said maintenance allowance is not exorbitant for the revisionist as he is obtaining total Rs. 79,255/-, as per the salary slip of the revisionist which has been enclosed at page no. 18 of the counter affidavit. Apart from the above, learned counsel for opposite party no.2 states that the revisionist has not paid any single penny to opposite party no.2 till date in compliance of the impugned judgment and at present approximately Rs. 7,00,000/- is due against him, which has to be paid to opposite party no.2. He further states that the revisionist has to retire in this month and after his retirement, a huge amount will be obtained by him towards pensionary benefits including leave encashment, G.P.F. etc. He is deliberately avoiding the compliance of the impugned judgment. On the above premise, learned counsel for opposite party no.2 states that the present criminal revision is liable to be dismissed.

8. In rejoinder, learned learned counsel for the revisionist states that since the revisionist is a law abiding citizen, he desires to pay the maintenance allowance to opposite party no.2, if the maintenance allowance as awarded by the Principal Judge under the impugned judgment is reduced to Rs. 15, 000/- per month from Rs. 20,000/- per month. He also states that the arrears of maintenance allowance as awarded

by the Principal Judgment under the impugned judgment will also be paid by the revisionist, if this Court provides some easy installments to the revisionist to pay the same.

9. To the above submission, learned counsel for the opposite party no.2 has no objection.

10. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the parties and in the interest of substantial justice, this Court deem it fit and proper to modify the impugned judgment to the extent that the maintenance allowance as awarded by the Principal Judge under the impugned judgment in favour of the revisionist is reduced to Rs. 15,000/- per month from Rs. 20,000/- per month. It is ordered accordingly.

11. So far as the arrears of maintenance allowance from the date of filing of the application under Section 125 Cr.P.C. is concerned, this Court has been informed that approximate Rs. 7,00,000/- is due which is to be paid by the revisionist to opposite party no.2 towards total arrears of maintenance allowance. Under such circumstances, considering the fact that the revisionist has to retire in this month and after retirement he will get huge money qua pensionary benefits including leave encashment, G.P.F. amount etc., this Court provides that Rs. 7,00,000/- (Rupees seven lacs only) will have to be paid by the revisionist to the opposite party no.2 in 14 equal installments, meaning thereby that the revisionist shall pay Rs. 50,000/- (Rupees fifty thousand only) to opposite party no.2 on 7th day of each calendar month regularly, which will commence from 7th September, 2025. In view of the above, the impugned judgment and order passed by the Principal Judge, Family Court, Jhansi dated 16th April, 2024 in Case No. 497 of 2021 (Vimla Raykwar Vs. Pooran Raykwar) under Section 125 Cr.P.C is modified to that extent.

13. The present criminal revisionist is **disposed of** subject to the observations/directions made above.

14. It is clarified that in case the revisionist does not comply with the above directions, opposite party no.2 shall be free to take recourse to law as may be available with her.

(Madan Pal Singh, J.)

Order Date :- 12.8.2025

Sushil/-