



2025:AHC:174747

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL REVISION No. - 5240 of 2024**

Nitin Agarwal

.....Revisionist(s)

Versus

State Of Up And 2 Others

.....Opposite  
Party(s)

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| Counsel for Revisionist(s)    | : | Ram Narain, Anuj Bajpai   |
| Counsel for Opposite Party(s) | : | G.A., Suresh Dhar Dwivedi |

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**Court No. - 91**

**HON'BLE MADAN PAL SINGH, J.**

1. Supplementary affidavit filed on behalf of the revisionist in Court today be kept on record.
2. Heard Shri Ram Narain, learned counsel for the revisionist, Shri Suresh Dhar Dwivedi, learned counsel for the opposite party no.2 as well as learned A.G.A. appearing for the State-opposite party no. 1 and perusal the material on record.
3. The present criminal revision has been preferred with the prayer to set aside the order dated 13.08.2024 passed by the Principal Judge, Family Court, Shahjahanpur in Case No. 140 of 2023 (Smt. Priya Gupta and another Vs. Nitin Agrawal) filed under Section 125 Cr.P.C Police Station- Kotwali, District- Shahjahanpur, by which the interim maintenance application of the opposite party no.2 filed under Section 125 Cr.P.C. has been allowed and the revisionist was directed to pay Rs.8,000/- per month as interim maintenance to the opposite party no.2 and Rs.2,000/- per month to the opposite party no.3-Awdhik (minor) from the date of order till the application under Section 125 is decided finally.
4. Learned counsel for the revisionist states that the trial court without considering the income of the revisionist has awarded the interim maintenance of Rs.10,000/- per month to the opposite party nos. 2 and 3 which is excessive and deserves to be set aside and quashed. Learned counsel for the revisionist further states that he is still ready to pay the interim maintenance amount provided it be reduced to Rs.7,000/- from Rs.10,000/-.
5. On the other hand, learned counsel for the opposite party nos. 2 and 3 and

learned AGA opposed the contentions raised on behalf of the revisionist and states that the revisionist is working as Production Manager, in Jee-Sarjiwear Instrument company and getting salary of Rs.50,000/- per month, therefore, the amount granted by the trial court is meagre and prayed for enhancement of the interim maintenance amount.

6. 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 transpires that before the trial court the opposite party no.2 has filed bank details of the revisionist, in which, it reflects that the salary of the month of December, 2023 was credited as Rs.30,586/- and the salary of the month of January, 2024 was credited as Rs.32,227/- and as per the observations of the Apex Court in the case of **Rajnesh Versus Neha and Another (2021) 2 Supreme Court Cases 324; Kalyan Dey Chowdhury vs. Rita Dey Chowdhury Nee Nandy AIR 2017 Supreme Court 2383 and Kulbhushan Kumar Vs. Raj Kumari (1970) 3 SCC 129**, 25% of the net salary/income of the husband can be fixed as maintenance, which comes to Rs.8,000/-. Therefore, the amount of Rs.10,000/- per month as interim maintenance awarded by the trial court is deserves to be reduced from Rs.10,000/- to Rs.8,000/- per month. Accordingly, the amount of Rs.10,000/- is reduced to Rs.8,000/-, out of which Rs.6,000/- per month to the opposite party no.2 and Rs.2,000/- per month to the opposite party no.3 from the date of order dated 13.08.2024 and arrears, if any, be also accumulated as per the order passed today.

7. Accordingly, the order dated 13.08.2024 passed by the trial court is modified to the extent indicated above.

8. The trial court is expected to decide the application under Section 125 Cr.P.C. finally after providing proper opportunity hearing to the parties concerned to adduce their evidence, as expeditiously as possible, preferably within a period of five months from today.

9. With the above observations/directions, the instant criminal revision is **disposed of.**

**September 26, 2025**  
Prajapati RK

**(Madan Pal Singh,J.)**