



2025:AHC:174681

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL REVISION No. - 6356 of 2024**

Ranjeet

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Devesh Pandey
Counsel for Opposite Party(s)	:	G.A., Krishna Kant Mishra

Court No. - 91

HON'BLE MADAN PAL SINGH, J.

1. Heard Shri Devesh Pandey, learned counsel for the revisionist, Shri Krishna Kant Mishra, 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.

2. The present criminal revision has been preferred with the prayer to set aside the order dated 03.09.2024 passed by the Principal Judge, Family Court, Sonbhadra in Misc. Case No. 335 of 2019 (Rukmani and another Vs. Ranjeet) filed under Section 125 Cr.P.C Police Station- Pannuganj, District- Sonbhadra, by which the application of the opposite party nos.2 and 3 filed under Section 125 Cr.P.C. has been allowed and the revisionist was directed to pay Rs.1,000/- per month each as maintenance to the opposite party nos.2 and 3 from the date of application and further directed the revisionist to pay Rs.2000/- each as maintenance from the date of order.

3. The solitary argument of the learned counsel for the revisionist is that the revisionist has no source of income and he is not in a position to pay the maintenance to the opposite party nos. 2 and 3 and further on account of non-payment of the said amount, he is languishing in jail. Learned counsel further submitted that the amount awarded by the trial court is excessive. The trial court has directed the revisionist to pay the maintenance to the opposite party nos. 2 and 3 from the date of the application, therefore, huge amount of arrears are due against the revisionist. Alternatively, he prayed that the amount of arrears may be divided in easy instalments and except this no other point has been raised.

4. On the other hand, learned AGA as well as learned counsel for the opposite party nos. 2 and 3 opposed the contentions raised on behalf of the revisionist and stated that the revisionist has not paid a single penny to the opposite party nos. 2 and 3 till date. The revisionist is a driver by profession but he did

not want to pay money rather he prefers to go to the jail that is why he is in jail.

5. 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 since no any legal point has been raised on behalf of both the sides, whether the judgment and order passed by the trial court is correct or not, although, learned counsel for the opposite party no.2 has submitted that the revisionist is a driver but this submission has been strongly opposed by the learned counsel for the revisionist by saying that there is no document on record to show the revisionist is a driver. Since there is no documentary evidence regarding income of the revisionist, 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**, the Apex Court observed that, if the husband is the able bodied, he is under obligation to maintain his wife and children. In the present case, the revisionist has not claimed any physical deformity, hence it can be presumed that he is able bodied person and even if he is considered as labour, he would earn Rs.600/-per day, which comes to Rs.18,000/- per month and according to the above guidelines of the Apex Court 25% of the net salary/income of the husband can be fixed as maintenance, which comes to Rs.4,500/-. Therefore, the amount of Rs.4,000/- per month as maintenance awarded by the trial court is already in lower side, hence, this Court is of the considered view that the order passed by the trial court does not warrant any interference by this Court. The instant revision lacks merit and deserves to be dismissed.

6. Accordingly, the instant criminal revision being bereft of merit is **dismissed**.

7. It has been apprised by the learned counsel for the revisionist that there is huge amount of arrears, which are to be paid by the revisionist, which cannot be paid in one stroke, therefore, it is divided in twenty four equal instalments. The first instalment shall fall due on **November 15th, 2025**. The rest twenty three instalments will be paid on fifteenth of each calendar month.

8. There will be no order as to costs.

September 26, 2025
Prajapati RK

(Madan Pal Singh,J.)