



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/69/2022</u> Firoz Malik Revisionist Versus State Of Uttarakhand Through Its Secretary Dehradun Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Sachin and Mr. Mohd. Aamir, learned counsel for the revisionist. 2. Mr. S.C. Dumka, learned A.G.A. for the State. 3. Mr. Kaushal Pandey and Mr. Mehboob Rahi, learned counsel for respondent nos.2 & 3. 4. By means of the present criminal revision, the revisionist has challenged the judgment and order dated 02.12.2021 passed by the learned Judge, Family Court-I, Rudrapur, District Udham Singh Nagar in proceedings under Section 125 of the Cr.P.C., whereby the application preferred by respondent nos.2 and 3 was partly allowed and the revisionist was directed to pay maintenance of ₹2,000/- per month to respondent no.2 (wife) and ₹3,000/- per month to respondent no.3 (minor daughter). 5. Learned counsel for the revisionist would submit that the marriage between the revisionist and respondent no.2 was solemnized on 08.11.2014 in



		accordance with Muslim rites and customs; that, out of the said wedlock, one daughter, namely respondent no.3, was born; that, due to some matrimonial discord, respondent no.2 started residing separately along with the minor daughter and thereafter instituted proceedings under Section 125 Cr.P.C. seeking maintenance; that, the learned Family Court has partly allowed the said application by the impugned judgment and order. 6. Learned counsel for the revisionist would further submit that the impugned judgment and order are contrary to the facts and settled principles of law; that, the learned Family Court has failed to properly appreciate the evidence available on record and has placed undue reliance upon the testimonies of interested witnesses produced by respondent no.2; that, the financial condition and earning capacity of the revisionist have not been duly considered, inasmuch as the revisionist is only a seasonal labourer having irregular and meagre income; that, the maintenance awarded is disproportionate to the earning capacity of the revisionist and the impugned order has been passed in a routine and mechanical manner without proper appreciation of the material available on record. Hence, the impugned judgment is liable to be set aside. 7. Per contra, learned counsel appearing for respondent nos.2 and 3 would submit that the learned Family Court has passed the impugned order
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		after due appreciation of the pleadings, oral and documentary evidence adduced by the parties; that, despite the maintenance order, the revisionist has failed to comply with the directions issued by the learned Family Court and has not paid any maintenance to respondent nos.2 and 3. 8. Learned counsel would further submit that pursuant to the order dated 30.06.2026 passed by this Court directing the personal appearance of the revisionist and respondent no.2, respondent no.2 has appeared before this Court, whereas the revisionist has chosen to remain absent without any sufficient cause. 9. In reply, learned counsel for the revisionist would submit that he had duly informed the revisionist about the order of this Court requiring his personal appearance; however, despite such intimation, the revisionist has failed to appear before the Court. 10. Heard learned counsel for the parties and perused the material available on record. 11. This Court has considered the submissions of the learned counsel for the parties and perused the record. The learned Family Court has properly appreciated the evidence and rightly awarded maintenance to respondent no.2 (wife) and respondent no.3 (minor daughter). The amount awarded is just and reasonable, keeping in view the object of Section 125 Cr.P.C. . It is well settled that a husband is under a legal as well as moral obligation to maintain his legally wedded wife and minor child.
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The revisionist has neither appeared before this Court despite being informed through his counsel nor complied with the maintenance order passed by the court below.

12. The revisionist has failed to show any illegality, perversity, jurisdictional error, or material irregularity in the impugned order. In revisional jurisdiction, this Court cannot re-appreciate the evidence unless the findings are shown to be perverse or illegal. No ground for interference is made out.

13. Accordingly, the criminal revision is dismissed.

14. No order as to costs.

(Alok Mahra, J.)

16.07.2026

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RANI**

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