

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010059922025</u> <u>CRLR/232/2025</u> Ankit Agarwal --Revisionist Versus State Of Uttarakhand And Another --Respondents <u>Hon'ble Alok Mahra, J.</u> Mr. Pradeep Chamyal, Advocate for the revisionist. 2. Mr. S.S. Chauhan, D.A.G. alongwith Mr. Vikas Uniyal, Brief Holder for the State. 3. Ms. Geetanjali Dhami, Advocate for respondent no. 2. 4. The present criminal revision has been filed challenging the judgment and order 11.05.2023 passed by learned Judicial Magistrate, Khatima, District Udham Singh Nagar in Misc. Criminal Case No. 90 of 2018, under Protection of Women from Domestic Violence Act, whereby, the learned Trial Court directed the revisionist to pay Rs. 5,000/- per month as interim maintenance to respondent no. 2. Challenge has also been made to the judgment and order dated 26.04.2024 passed by learned Additional Sessions Judge, Khatima, District Udham Singh Nagar in Misc. Criminal Appeal No. 21 of 2023, whereby, the appeal filed by the revisionist has partly been allowed and the sum of maintenance, which was granted by the Trial

		Court was reduced from Rs. 5,000/- to Rs. 3000/-. 5. Learned counsel for the revisionist submits that in the application moved by the respondent under Section 125 Cr.P.C., revisionist is already paying Rs. 5,000/- as monthly maintenance to the respondent no. 2 and without taking into consideration this fact, the Appellate Court have directed him to pay further Rs. 3000/- under Protection of Women from Domestic Violence Act. 6. It is further informed that earlier both the parties agreed for mutual divorce, pursuant to which, first motion was moved under Section 13(b) of the Hindu Marriage Act, but, respondent no. 2 did not turn up at the time of second motion. 7. <i>Per contra</i>, learned counsel for the respondent no. 2 submits that in both the proceedings initiated under Section 125 Cr.P.C. as well under Protection of Women from Domestic Violence Act, maintenance can be granted, but, the only condition is that earlier interim maintenance granted in either of the proceedings should be taken into consideration while directing to pay the maintenance in the other proceedings. 8. Learned counsel for the revisionist further submits that revisionist is in arrears of maintenance to the tune of Rs. 1,27,000/-. It is also submitted that Rs. 40,000/- has already been paid to the respondent no. 2 and that amount may be adjusted to the arrears of maintenance. 9. Be that as it may, as such, after calculating the total maintenance, which the revisionist has to pay to respondent no. 2 comes to Rs. 8000/- per month. Since, Rs. 40,000/- has already been paid to respondent
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			no. 2 at the time of moving first motion, this amount be adjusted in the arrears of maintenance, which the revisionist has to pay to respondent no. 2. 10. Having considered the rival submissions and the material placed on record, this Court is of the view that no jurisdictional error, perversity or material irregularity is made out in the impugned orders warranting interference in revisional jurisdiction. Furthermore, it is also true that the scope of criminal revision is very restricted. It is exercised just to examine the correctness, legality or propriety of any finding, sentence or order. Evaluation and appreciation of evidence is not desired unless some admissible evidence is ignored or inadmissible evidence is taken into consideration. 11. Furthermore, being a revision as against the order of interim maintenance, unless and until the figure is shockingly arbitrary or excessive, the Court should not interfere with the said order. 12. The scope of revision against the order of interim maintenance is very limited. The impugned order does not fall within the limited scope of revision against the interim maintenance. The learned court below has exercised its discretion in a judicious manner and the same does not suffer from any illegality or impropriety. 13. Accordingly, the Criminal Revision is devoid of merit and is liable to be dismissed and is hereby dismissed. (Alok Mahra J.) 11.08.2026 Ujjwal
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