



2026:AHC:208806

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6178 of 2024

Mohd. Shahvej @Javed

.....Revisionist(s)

Versus

State of U.P. and another

.....Opposite

Party(s)

Along with :

1. Criminal Revision No. 8109 of 2025:

Smt. Sahana

Versus

State of U.P. and another

Counsel for Revisionist(s) : Manoj Kumar Tripathi, Syed
Mohammad Abbas Abdy, Vinod Kumar
Tirpathi

Counsel for Opposite Party(s) : G.A., Syed Mohammad Abbas Abdy

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Syed Mohammad Abbas Abdy, learned counsel for the revisionist-wife in connected Criminal Revision No. 8109 of 2025 and learned counsel for opposite party no. 2 in leading Criminal Revision No. 6178 of 2024, learned A.G.A. appearing on behalf of the State in both the revisions and perused the material available on record. None appeared on behalf of the husband-revisionist in leading Criminal Revision No. 6178 of 2024, although the names of Mr. Manoj Kumar Tripathi and Mr. Vinod Kumar Tripathi, Advocates are duly published in the cause list as counsel for husband-revisionist.

2. Both the aforesaid Criminal Revisions have been filed against the common impugned judgment and order dated 07.09.2024 passed by the Additional Principal Judge, Family Court, Ist, Jaunpur (hereinafter referred to as "the Trial Court") in Case No. 1761 of 2019, Sahana v. Mohd. Shahvej alias Javed, whereby the Trial Court partly allowed the application under Section 125 Cr.P.C. of the revisionist-wife and directed the husband-revisionist to pay Rs. 5000/- per month to the revisionist-wife as maintenance from the date of institution of application under Section 125

Cr.P.C.

3. Connected Criminal Revision No. 8109 of 2025 has been preferred by the wife seeking enhancement of the amount of maintenance awarded by the Trial Court. The leading Criminal Revision No. 6178 of 2024, on the other hand, has been preferred by the husband-revisionist seeking to set aside the impugned judgment and order whereby maintenance was awarded by the Trial Court.

4. Since both the aforesaid criminal revisions arise out of the same impugned judgment and order, they are being heard and decided together, with Criminal Revision No. 6178 of 2024 being treated as the leading case.

5. Feeling aggrieved by the impugned judgment and order, the husband-revisionist has preferred the present criminal revision, contending that the impugned judgment and order is wholly illegal and has been passed without due application of judicial mind. On these grounds, a prayer has been made for setting aside the impugned judgment and order and allowing the criminal revision preferred by him.

6. On the other hand, the wife-revisionist has challenged the same impugned judgment and order, contending that the Trial Court has failed to take into consideration the actual income of the husband-revisionist and that the amount of maintenance awarded is too meager to enable her to lead a life with dignity. Accordingly, a prayer has been made for setting aside the impugned judgment and order and allowing the criminal revision preferred by her.

7. Learned counsel for the wife-revisionist submits that the Trial Court itself has observed that the husband-revisionist had undertaken several journeys to abroad. Although the husband-revisionist claims that he was earning only Rs. 14,000/- per month, in Indian currency, while working as a cook in Brunei, such an income, having regard to the fact that Brunei is a comparatively affluent country, is not believable. Learned counsel for the revisionist-wife submits that the Trial Court itself has raised the pertinent question as to how the husband-revisionist could have maintained himself in a foreign country on such a meager income.

8. It is further contended by the learned counsel for the revisionist-wife that the husband-revisionist has admitted having visited Iran and Iraq twice as a pilgrim. According to learned counsel, such foreign travel requires substantial expenditure and could not ordinarily have been undertaken by a

person earning merely Rs. 14,000/- per month. It is, therefore, submitted that the claim regarding income of the husband-revisionist is not truthful. Learned counsel further submits that the Trial Court has also noticed this aspect in paragraph 19 of the impugned judgment. Despite the aforesaid observations, the Trial Court has awarded only Rs. 5,000/- per month towards maintenance to the wife-revisionist, which, according to learned counsel, is wholly insufficient.

9. The provisions of Section 125 Cr.P.C., corresponding to Section 144 of the B.N.S.S., have been enacted with the object of providing support and protection to a destitute wife, child or parent who is unable to maintain himself or herself. The underlying purpose of the provision is to advance social justice and to prevent destitution and vagrancy among persons who are unable to maintain themselves. At the same time, the amount of maintenance should have reasonable regard to the standard of living enjoyed by the parties during the subsistence of the matrimonial relationship.

10. In the present case, the fact that the husband-revisionist travelled to Iran and Iraq on two occasions as a pilgrim has been relied upon as an indicator of his financial capacity and standard of living. It is submitted that a person earning only Rs. 14,000/- per month would ordinarily find it difficult to undertake such foreign journeys. Thus, the circumstances noticed by the Trial Court itself cast doubt upon the income disclosed by the husband-revisionist. Learned counsel for the wife-revisionist submits that considering the financial capacity and standard of living of the husband-revisionist, the wife is also entitled to live with dignity and in a manner commensurate with the standard of living enjoyed by her husband. The award of Rs. 5,000/- per month, therefore, is contended to be wholly insufficient for her maintenance and dignified living. Accordingly, it is submitted that the impugned judgment and order warrants interference by this Court.

11. Learned A.G.A. has no material objection to the aforesaid submissions.

12. Having heard the submissions advanced by learned counsel for the revisionist-wife, learned A.G.A. and upon perusal of the record, this Court finds that the standard of living of the husband-revisionist, as borne out from the record and his own admissions, is substantially higher than what has been taken into consideration by the Trial Court. In the circumstances, the amount of Rs. 5,000/- per month awarded towards maintenance is evidently

meagre and disproportionate to the standard of living and financial capacity of the husband-revisionist. The impugned judgment and order, therefore, warrants interference by this Court.

13. In the result, Criminal Revision No. 8109 of 2025, preferred by the wife-revisionist, is **allowed**. On the other hand, Criminal Revision No. 6178 of 2024, preferred by the husband-revisionist, is **dismissed**.

14. The impugned order dated 07.09.2024 passed by the Additional Principal Judge, Family Court, Ist, Jaunpur in Case No. 1761 of 2019, Sahana v. Mohd. Shahvej alias Javed is hereby **set aside**.

15. The matter is remitted to the Trial Court for adjudication afresh. The Trial Court is directed to decide the matter afresh, in light of the observations made hereinabove and in accordance with law. The proceedings shall be concluded as early as possible preferably within three months from the date of production of a certified copy of this order.

16. In the meantime, it is provided that the revisionist-husband shall continue to pay the aforesaid amount of Rs. 5000/- per month to revisionist-wife as interim maintenance.

October 6, 2026
Brijesh Maurya

(Lakshmi Kant Shukla,J.)