2026:AHC:211298

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2276 of 2025

Atul Kumar

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Raj Kamal
Counsel for Opposite Party(s)	:	G.A., Sukesh Kumar

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Raj Kamal, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Sukesh Kumar, learned counsel for O.P. Nos. 2 to 4.

2. Perused the record.

3. Revisionist Atul Kumar has approached this court by means of present criminal revision assailing the impugned judgement and order dated 28.02.2025 passed by Addl. Principal Judge, Family Court, Etawah (herein after referred as to "the Trial Court") in Case No. 285 of 2020 while the trial court allowed the application under Section 125 Cr.P.C. filed by O.P. Nos. 2 to 4 and ordered the revisionist to pay Rs. 7,000/- to O.P.No. 2 and Rs. 4,000/- each to O.P.Nos. 3 and 4 as monthly maintenance from the date of institution of maintenance proceedings.

4. Feeling aggrieved from that order, the present criminal revision has been filed on the grounds that the impugned judgement and order is wholly illegal, unjust and based on surmises and conjuncture, has been passed without applying the judicial mind and a prayer for setting aside and allowing the present criminal revision has been made.

5. Learned counsel for the revisionist submitted that the trial court has presumed the income of revisionist as Rs. 30,000/- only on the basis of the oral admission of the revisionist, though no documentary evidence in support thereof is available on record. There is no factual challenge to the

finding of trial court regarding the relationship between the revisionist and O.P. Nos. 2,3 and 4 and capability and incapability of the parties to maintain them. It is thus contended that in view of aforesaid premise, the present criminal revision may be allowed by this court.

6. Per contra, learned A.G.A. for the State and learned counsel for O.P. Nos. 2 to 4 have vehemently opposed the present criminal revision. Learned counsel for O.P. Nos. 2 to 4 submitted that monthly income of revisionist is about Rs. 30,000/- has been admitted by the revisionist in his statement deposed before the Court. Admission is the best evidence. It is thus contended that in the aforesaid premise, the present revision has no force at all.

7. Having heard the rival submissions and perusal of record, it is evident on record that the revisionist has monthly income of Rs. 30,000/- as per his admission. He has responsibility of his parents and younger brother also. Though, it has come in evidence that father of the revisionist owns 09 Beeghas of agricultural land but cultivation itself requires money and only for the reasons that his father owns 09 Beeghas agricultural land. The assertion that the revisionist has responsibility of his parents and younger brother can not be outrightly throw out. In aforesaid premise, the maintenance of Rs. 15,000/- with 50% of total income seems to be disproportionate to his income and liability as to warrant interference by this court.

8. Accordingly, the present criminal revision is hereby **allowed.** The impugned order dated 28.02.2025 passed by Addl. Principal Judge, Family Court, Etawah in Case No. 285 of 2020 is hereby set aside.

9. The matter is remitted to the trial court for fresh adjudication in the light of observation made by this court within three months from the date of production of certified copy of this order. In the meantime, the revisionist shall continue to pay Rs. 5,000/- to O.P. No. 2 and Rs. 3,000/- each to O.P. Nos. 3 and 4 as interim maintenance.

(Lakshmi Kant Shukla,J.)

October 8, 2026
RPD

Digitally signed by :-
RATAN PRAKASH DWIVEDI
High Court of Judicature at Allahabad