2026:AHC:211063

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2844 of 2025

Ravindra Yadav

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Saroj Kumar Dubey, Vineet Kumar Yadav

Counsel for Opposite Party(s) : Anand Yadav, G.A.

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Rejoinder affidavit filed on behalf of the revisionist during the course of the day is taken on record.

2. Heard Mr. Saroj Kumar Dubey, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Anand Yadav, learned counsel for O.P. No. 2.

3. Perused the record.

4. Revisionist Ravindra Yadav has approached this Court by means of the present criminal revision assailing the impugned judgment and order dated 02.04.2025 passed by the Additional Judge, Family Court, Azamgarh (hereinafter referred to as the "Trial Court") in Misc. Case No. 05 of 2020, whereby the Trial Court allowed the application under Section 127 Cr.P.C. filed by O.P. No. 2 and enhanced the maintenance amount from Rs. 3,000/- to Rs. 6,000/- per month.

5. Feeling aggrieved by the said order, the instant criminal revision has been filed by the revisionist on the ground that the impugned order is totally illegal, arbitrary and against the law, and a prayer for allowing the instant criminal revision has been made.

6. Learned counsel for the revisionist submitted that from a perusal of the impugned order, it transpires that the Trial Court has fixed Rs. 6,000/- per month as maintenance payable to the wife/O.P. No. 2 against the total

income of the revisionist of Rs. 15,000/- to Rs. 16,000/- per month, as admitted by him. The maintenance amount is contrary to the guidelines given by the Apex Court in the case of **Kalyan Dey Choudhary Vs. Rita Dey Choudhary Nee Nandy, (2017) 14 SCC 200**. It is further contended that the Trial Court has not recorded any finding regarding the ascertainment of the income of the revisionist. It is thus contended that, in view of the above, the present criminal revision is liable to be allowed and the impugned order is liable to be set aside.

7. Per contra, learned A.G.A. and learned counsel for O.P. No. 2 have vehemently opposed the present criminal revision and submitted that it is an admission of the revisionist that he earns Rs. 15,000/- to Rs. 16,000/- per month and the amount of Rs. 6,000/- cannot be held to be a bonanza for the wife/O.P. No. 2. It is thus contended that, in view of the above, the present criminal revision may be dismissed by this Court.

8. Having heard the rival submissions and perusal of record, it is clear that trial court has fixed maintenance amount payable to wife/O.P.No. 2 approximately 40% of income of revisionist. It is clear cut violation of the law laid down by the Apex Court in the case of **Kalyan Dey Choudhary (Supra)** case. In view of above the present criminal revision deserves to be allowed.

9. It is accordingly allowed. The impugned order dated 02.04.2025 passed by Additional Judge, Family Court, Azamgarh in Misc. Case No. 05 of 2020 is hereby **set aside.**

10. The matter is remitted to the trial court for fresh adjudication in the light of order passed in the case of **Kalyan Dey Choudhary (Supra)**' case.

(Lakshmi Kant Shukla,J.)

October 8, 2026
RPD

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