HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 1299 of 2026

Kaushar Khan

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Mohmmad Majid Khan, Shamim Uddin Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Parvej Alam, learned Advocate holding brief of Sri Shamim Uddin Khan, learned counsel for the revisionist, and learned A.G.A. for the State.

2. Learned counsel for the revisionist submits that the present criminal revision has been filed seeking relief as mentioned in the prayer clause along with delay condonation application as there is delay of 715 days in filing the present criminal revision. The prayer clause is delineated below:-

> *"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the Criminal Revision and set aside the judgment and Order dated 09.04.2024 passed by Additional Principal Judge, Family Court No.02 at Agra in Maintenance Case No.717 of 2019 (Smt. Inshar Khair Vs. Kausar Khan), under Section-125 Cr.P.C. filed by the opposite party No.2 against the revisionist.*
>
> *It is further prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned judgment and Order dated 09.04.2024 passed by Additional Principal Judge, Family Court No.02 at Agra in Maintenance Case No.717 of 2019 (Smt. Inshar Khair Vs. Kausar Khan), under Section-125 Cr.P.C. filed by the opposite party No.2 against the revisionist, and/or may pass such other and further orders or directions as this Hon'ble Court may deem fit and proper, in the facts and circumstances of the case."*

3. Learned counsel for the revisionist submits that, by means of the impugned order dated 09.04.2024, the learned Additional Principal Judge, Family Court No.2, Agra, has awarded maintenance at the rate of Rs.3,000/- per month to opposite party No.2 (wife). It is submitted that the revisionist is a labour and earning Rs. 5000/- per month, therefore, the quantum of maintenance awarded is excessive and beyond the financial capacity of the revisionist and, consequently, the impugned order is liable to be set aside.

4. Per contra, learned A.G.A. vehemently opposes the revision and contends that the learned Trial Court has awarded maintenance for the sustenance of opposite party No.2. He further submits that the impugned order has been passed after thoroughly analyzing and scrutinizing the evidence available on record and the same is a reasoned and speaking order, as such, no interference is required by this Court. He further submits that Section 125 Cr.P.C./144 BNSS has been conceived to ensure that a woman, who has left or thrown out of matrimonial house, can sustain herself and her children. He further submits that through catena of decisions rendered by the Hon'ble Supreme Court as well as different High Courts, time and again it has been held that concept of sustenance does not necessarily mean "to lead the life of an animal", rather the wife would be entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. It is, therefore, submitted that the impugned order is just and proper and does not call for any interference by this Court.

5. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the quantum of maintenance awarded to the wife and minor son cannot, by any stretch of imagination, be said to be excessive. Rather, having regard to the the cost of living in today's context, the said amount appears to be meagre. This Court further finds that the present criminal revision has been filed along with in ordinate delay of 715 days and the revisionist has failed to furnish any satisfactory explanation for the delay and this revision is nothing but pure abuse of process of law and it seems that the same has been filed just to delay the payment of maintenance amount to the wife/O.P. No.2.

6. In view of the foregoing discussion, this Court finds no ground to condone the delay in filing the present criminal revision. Even otherwise, on merits, no ground for interference with the impugned order has been made out. Accordingly, the application for condonation of delay as well as the present criminal revision are dismissed.

(Praveen Kumar Giri,J.)

November 2, 2026
DKS

Digitally signed by :-
DEEPAK KUMAR SRIVASTWA
High Court of Judicature at Allahabad