2026:AHC:227730

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4802 of 2024

Arko Mitra

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Mahesh Kumar
Counsel for Opposite Party(s) : Deepak Singh, G.A., Sagar Rai, Yogendra Mishra

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Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Mahesh Kumar, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Sagar Rai, learned counsel for O.P. No. 2.

2. Perused the record.

3. Revisionist Arko Mitra has approached this Court by means of present criminal revision challenging the impugned judgement and order dated 16.08.2024 passed by Additional Principal Judge, Family Court, Jhansi (herein after referred as to the Trial Court) in Case No. 132 of 2022 wherein the Trial Court has allowed the interim maintenance application filed by O.P. No. 2 and ordered the revisionist to pay Rs. 10,000/- per month as interim maintenance to O.P. No. 2.

4. Feeling aggrieved from that order, the present criminal has been filed on the grounds that the impugned order has been passed without applying the judicial mind and even without considering the material facts available on record and prayer for allowing the instant criminal revision has been made.

5. Learned counsel for the revisionist submitted that the Trial Court ignored the actual facts of the case. The real facts of the case is that a ring ceremony of the revisionist with O.P. No. 2 took place. But after solemnizing the ring ceremony, the O.P. No. 2 left the place of occasion and went at the residence of her sister and brother-in-law and remained to

live there. But the without marriage ceremony could not take place, therefore, the O.P.No. 2 is not entitled of any maintenance. Learned counsel for the revisionist further submitted that the impugned order itself contends the objection of revisionist raised against interim maintenance of the revisionist wherein the revisionist has asserted that the same denying the marriage of revisionist and O.P. No. 2. It is thus contended that in view of above, the impugned order is not sustainable in the eyes of law. Accordingly the present criminal revision may be allowed and the impugned order be set aside.

6. Learned A.G.A. for the State as well as learned counsel for O.P. No. 2 have vehemently opposed the instant criminal revision and supported the impugned order. Learned counsel for O.P. No. 2 submitted that along with her maintenance petition as well as interim maintenance application the O.P. No. 2 has filed certain photographs before the Trial Court and it is clear cut observation of the Trial Court that the revisionist could not dislodge the photographs filed by O.P.No. 2. Accordingly the Trial Court prima facie presumed that the O.P. No. 2 is legally wedded wife of revisionist and passed the impugned order. It it admission of the revisionist that he earns Rs. two lacs per month. Considering the admission of revisionist and presumption of Trial Court that the O.P. No. 2 has marital relationship, the amount of interim maintenance is very meager. It is thus contended that in view of above, the present criminal revision has no force at all and is liable to be dismissed.

7. When confronted with above, learned counsel for the revisionist could not over come the same especially the presence of photograph shown and the presence of Hawan Kund therein.

8. In view of above, we do not find any good ground to interfere with the aforesaid order passed by the Trial Court. Accordingly, the present criminal revision is liable to be dismissed by this Court.

9. Accordingly, it is **dismissed.**

(Lakshmi Kant Shukla,J.)

November 2, 2026
RPD

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