2026:AHC:226874

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6726 of 2025

Smt Smita Prasad

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Abhishek Tripathi
Counsel for Opposite Party(s) : Ashish Kumar Chaurasiya, Devesh Kumar Shukla, G.A.

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Abhishek Tripathi, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Devesh Kumar Shukla, learned counsel for O.P. No. 2

2. Perused the record.

3. Revisionist Smt. Smita Prasad has approached this Court by means of instant criminal revision challenging the order dated 24.07.2025 passed by Additional District & Sessions Judge, Court No. 7 Ghaziabad (herein after referred as Appellate Court) in Criminal Appeal No. 06 of 2025 wherein the Appellate Court partly allowed the criminal appeal filed by the revisionist and ordered the O.P. No. 2 to pay Rs. 7,000/- per month as maintenance to the son of revisionist and O.P. No. 2 till he attains the age of majority while the appeal in respect of revisionist and O.P. No. 2 was dismissed and accordingly the order dated 21.12.2024 passed under Section 23 of the Protection of Women from Domestic Violence Act, 2005 by Addl. C.J.M., Ghaziabad (herein after referred as to the Trial Court) in Complaint Case No. 11 of 2024 wherein the Trial Court ordered the O.P. No. 2 to pay Rs. 7,000/- as monthly maintenance to revisionist and her minor son was modified.

5. Feeling aggrieved from that order, the present criminal revision has been filed on the grounds that the Appellate Court as well as Trial Court passed the impugned orders in arbitrary manner. The judgement passed

by both the courts i.e. Appellate Court and Trial Court are bad in the eyes of law. The aforesaid orders are in violation of guidelines issued by Apex Court in **Rajnesh Vs. Neha and another (2021)2 SCC 324**. The impugned orders are illegal, passed in mechanical manner, against the material available on record and in aforesaid premise, a prayer for allowing the present criminal revision and setting aside the impugned orders passed by Appellate Court as well as Trial Court has been made.

6. Learned counsel for the revisionist submitted that the Appellate Court passed the impugned order in a very cursory manner, even some paragraphs/sentences remained incomplete in its judgement dated 24.07.2025. Learned counsel for the revisionist further drew the attention of the Court towards page Nos. 10 and 11 of the paper book. On page 10 of the top paragraphs have been left incomplete by the Trial Court. It is thus contended that the impugned order has been passed in cursory manner without applying the judicial mind. Learned counsel for the revisionist further submitted that the revisionist has approached before the Appellate Court by way of filing an appeal against the order dated 21.12.2024 passed by Additional Chief Judicial Magistrate, Court No. 2 Ghaziabad whereby the Trial Court allowed Rs. 7,000/- per month interim maintenance. The revisionist appealed before the Appellate Court for enhancement of aforesaid amount while deciding the aforesaid appeal, the Appellate Court went beyond its scope of her maintenance and in view of above submission, the present criminal revision deserves to be allowed by this Court.

7. When confronted with above, learned A.G.A. and learned counsel for O.P. No. 2 have vehemently opposed the instant criminal revision and supported the impugned judgement and order passed by Appellate Court but learned A.G.A. as well as learned counsel for O.P. No. 2 could not dislodge the aforesaid submission urged by learned counsel for the revisionist.

8. In view of above, the Court finds that the submission urged by learned counsel for the revisionist is clearly borne out from the record. The impugned order has been passed in cursory manner even without completing sentences/paragraphs in its own judgement which reflects that

the Trial Court has not considered the matter properly and passed the impugned order without applying proper judicial mind. Therefore, the present criminal revision **succeeds and allowed**. The impugned order dated 24.07.2025 passed by Appellate Court i.e. Additional District & Sessions Judge, Court No. 7 Ghaziabad in Criminal Appeal No. 06 of 2025 is hereby set aside.

9. Appellate Court is directed to pass a fresh order after taking into consideration the judicial aspect either legal or factual and evidentiary.

(Lakshmi Kant Shukla,J.)

November 2, 2026
RPD

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