2026:AHC:210746

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 1961 of 2026

Varshant

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Onkar Singh, Sachin Malik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

Ref: Criminal Misc. Delay Condonation Application

1. Learned counsel for the revisionist submits that he has preferred the present revision along with delay condonation application.

2. The instant revision is reported to be beyond time by 83 days.

3. Cause shown for delay in the affidavit supporting delay condonation application has been explained to the satisfaction of the Court.

4. The delay condonation application is allowed.

5. Delay in filing this revision is hereby condoned.

Ref: Order on Criminal Revision

6. Heard Mr. Onkar Singh, learned counsel for the revisionist and learned A.G.A. for the State.

7. Learned counsel for the revisionist submits that the instant criminal revision has been preferred with the relief which has been mentioned in the prayer clause. The relief mentioned in the prayer clause of the revision is delineated below:-

> *"It is, therefore, most respectfully prated that this Hon'ble court be pleased to allow this revision and set-aside the impugned order dated 01.04.2026, passed by Additional Principal Judge Family Court, Meerut,*

in case. No 896 of 2023, (Smt Jyoti Versus Varshant), Under sections - 125 Cr. P.C, Police Station Partapur, District Meerut),. Otherwise the revisionist shall suffer irreparable loss and injury.

It is further prayed that this Hon'ble court be pleased to stay the operation of the impugned order dated 01.04.2026, passed by Additional Principal Judge Family Court, Meerut, in case. No 896 of 2023, (Smt Jyoti Versus Varshant), Under sections 125 Cr. P.C. Police Station Partapur, District - Meerut), OR the recovery warrants issued against the revisionist may be stayed. Otherwise the revisionist shall suffer irreparable loss and injury."

8. Learned counsel for the revisionist submits that the Additional Principal Judge, Family Court, Meerut vide order dated 01.04.2026 directed the revisionist to pay Rs.6000/- per month to his wife/opposite party no.2 as an interim maintenance from the date of application i.e. 08.01.2025. He further submits that the amount of interim maintenance does not commensurate with the income of the revisionist. He further submits that yet no evidence has been adduced by the revisionist even then the amount of interim maintenance, to the tune of Rs.6000/- per month has been granted by the trial court. He further submits that the revisionist is ready to pay the interim maintenance amount from the date of order and if opposite party no.2 succeed in the pending application under Section 125 Cr.P.C./144 BNSS before the trial court, then maintenance may be granted as per law laid down by the Hon'ble Supreme Court in the judgment of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324**. He further submits that he does not want to press this revision on merits and it may be disposed of giving direction to the concerned Family Court to finally adjudicate the application under Section 125 Cr.P.C./144 BNSS expeditiously. He further submits that in the interest of justice the arrears of the maintenance amount from the date of application may be kept in abeyance till the final disposal of the pending application under section 125 Cr.P.C./144 BNSS. He further undertakes that if this Court accepts the aforesaid request of the revisionist, the revisionist will clear all the dues/arrears of the maintenance amount from the date of the order i.e. 01.04.2026 and he will also pay the interim maintenance amount to his wife regularly on monthly

basis.

9. In view of above facts and circumstances and in interest of justice, without issuing notice to opposite party no.2, the order dated 01.04.2026 is modified to the extent that the arrears of interim maintenance amount starting from the date of application i.e. 08.01.2025 upto 01.04.2026 shall remain stayed till the final decision of the pending application under Section 125 Cr.P.C./144 BNSS. However, the revisionist is directed to clear all the dues/arrears of maintenance amount from the date of the order i.e. 01.04.2026 and shall pay the maintenance amount to his wife regularly on monthly basis.

10. In case, the revisionist fails to comply with any of the aforesaid directions, the Additional Principal Judge, Family Court, Meerut, will be at liberty to proceed for recovery of the arrears of maintenance amount from the revisionist in terms of order dated 01.04.2026 as per prevailing law. The Additional Principal Judge, Family Court, Meerut is directed to pass final order on the pending application under section 125 Cr.P.C./144 BNSS, preferably within a period of six months, providing opportunity of hearing to the parties, without granting any unnecessary adjournments, in the light of law laid down by the Hon'ble Supreme Court in the case of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324**.

11. With the aforesaid directions, this revision is disposed of.

(Praveen Kumar Giri,J.)

October 8, 2026
K.Tiwari

Digitally signed by :-
KRISHNA KANT TIWARI
High Court of Judicature at Allahabad