



2026:AHC:136646

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3487 of 2025

Smt. Poonam And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Hare Ram Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 87

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Case called out in revised call.
2. Heard Mr. Hare Ram Pandey, learned counsel for revisionist, learned AGA appearing on behalf of State-opposite party no. 1 and perused the record. In spite of sufficient service of summon no one has appeared on behalf of opposite party no. 2 to oppose the present criminal revision even in the revised calling of the list.
3. Revisionist Smt. Poonam And Another have approached this Court by means of present Criminal Revision challenging the impugned judgment and order dated 06.05.2025 passed by Additional Principal Judge Family Court No. 3, Bulandshahar (hereinafter referred to as learned trial court) in Maintenance Case No. UPBU020021792021 (Smt. Poonam Vs. Brijesh) under section 125 Cr.P.C., wherein the learned trial court while disposing the application u/s 125 Cr.P.C. filed by revisionist rejected the claim of maintenance of revisionist no. 1 and directed to pay Rs. 3,000/- per month to revisionist no. 2 payable by opposite party no. 2.
4. Feeling aggrieved by the impugned order, the present criminal revision has been preferred on the grounds that the court below has failed to properly exercise its jurisdiction vested upon him, the subordinate court while passing the impugned order did not apply his judicial mind and has awarded meager maintenance in favour of revisionist no. 2 and rejected the prayer of revisionist no. 1. The impugned order is against the factual aspect of the matter considering the economical condition of opposite

party no. 2 the maintenance amount awarded to revisionist no. 2 is too meager, accordingly, the present criminal revision deserves to be allowed, and the impugned judgment and order are liable to be set aside.

5. Elaborating upon the aforesaid submissions, the learned counsel for the revisionists contended that the claim for maintenance of revisionist no. 1 has been rejected by the trial court on two grounds. Firstly, the trial court held that revisionist no. 1 is a working woman and, therefore, capable of maintaining herself. Secondly, it was held that revisionist no. 1 was living in adultery and, consequently, in view of the provisions of Section 125(4) of the Code of Criminal Procedure, 1973, she was not entitled to claim maintenance. It was further submitted that the aforesaid findings are neither based on cogent nor reliable evidence and are founded solely on the oral testimony of PW-1, which may be held false. The trial court failed to appreciate the evidence on record in its proper perspective and erroneously rejected the claim of maintenance of revisionist no. 1. It was, therefore, contended that the impugned judgment and order suffer from illegality and material irregularity and are liable to be set aside by this Court in exercise of its revisional jurisdiction.

6. Per contra, the learned AGA vehemently opposed the present criminal revision and submitted that the findings recorded by the trial court are based on proper appreciation of the evidence on record. It was contended that OPW-1, in his statement stated that he himself witness of revisionist no. 1 in objectionable condition with another person, whose identity and address were also disclosed in his statement. But in cross-examination, nothing contrary to his examination-in-chief could be elicited and in view of above the trial had no option except held the statement of OPW-1 as trustworthy and reliable. It is thus contended that the finding of trial court in this respect warrants no interference of this Court and living in adulatary by wife may be the sole ground for rejection of maintenance.

7. So far as the grievance regarding the meagerness of the maintenance awarded to revisionist no. 2 is concerned, it has come in evidence that opposite party no. 2 was earlier working at a petrol pump but had to leave the said job due to the conduct of revisionist no. 1. He again joined a job in ATM company; however, he was transferred to Punjab due to

intervention of adulterer of revisionist no. 1 who is the friend of manager of that company. Certainly the opposite party no. 2 is receiving salary from that ATM company. Besides this, it has come on record that he has engaged his Maruti Celerio vehicle with the company and is receiving certainly some additional income for its use. Accordingly, it was contended that, considering the overall economical condition of opposite party no. 2, the amount of maintenance awarded to revisionist no. 2 deserves to be enhanced.

8. Having heard the rival submissions advanced by the learned counsel for the parties and upon perusal of the entire record, this Court finds that the findings recorded by the trial court are borne out from the evidence available on record. The trial court has rightly held that revisionist no. 1 has sufficient means to maintain herself and that she was living in adultery. The said findings are based on proper appreciation of the oral and documentary evidence and do not suffer from any perversity, illegality, or material irregularity warranting interference by this Court in exercise of its revisional jurisdiction.

9. However, so far as the maintenance awarded to revisionist no. 2 is concerned, this Court is of the considered opinion that, having regard to the admitted economical condition and earning capacity of opposite party no. 2, the amount of maintenance fixed by the trial court is inadequate. Accordingly, the monthly maintenance payable to revisionist no. 2 is enhanced from **Rs. 3,000/- to Rs. 5,000/- per month.**

10. In view of the aforesaid observations, the present criminal revision stands disposed of to the aforesaid extent. The impugned order is modified accordingly.

(Lakshmi Kant Shukla,J.)

July 8, 2026

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