



2026:AHC:180303

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL REVISION No. - 5306 of 2026**

Satyendra Kumar Mishra

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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|-------------------------------|---|-----------------|
| Counsel for Revisionist(s)    | : | Himanshu Mishra |
| Counsel for Opposite Party(s) | : | G.A.            |

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**Court No. - 86**

**HON'BLE PRAVEEN KUMAR GIRI, J.**

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

*"It is most respectfully prayed that this Hon'ble Court may kindly be pleased to allow instant revision and to set aside the impugned judgment and order dated 14.07.2026 passed by Learned Principal Judge, Family Court, Auraiya in Case No. 511/2024 (Kanchan vs. Satendra Kumar Mishra), passed under section 125 Cr.P.C., Police Station Auraiya, District Auraiya, whereby he has allowed the application of O.P. no.2 u/s 125 Cr.P.C. and directed the revisionist to pay interim Maintenance of Rs.10,000/- as maintenance every month to the O.P. No.2 herein.*

*It is further prayed that this Hon'ble Court may be pleased to stay the effect and operation of the impugned judgment and order dated 14.07.2026 passed by Learned Principal Judge, Family Court, Auraiya in Case No. 511/2024 (Kanchan vs. Satendra Kumar Mishra), under section 125 Cr.P.C., Police Station - Auraiya, District Auraiya, and or pass such other and further order which this Hon'ble Court may deem fit and*

*proper under these circumstances of the case."*

3. Learned counsel for the revisionist submits that vide order dated 14.07.2026, interim maintenance to the tune of Rs. 10,000/- to the wife has been granted from the date of application. He further submits that the revisionist is ready to pay the amount of interim maintenance from the date of order. He further submits that at the time of final adjudication, the Principal Judge, Family Court, Auraiya shall pass an order granting maintenance either from the date of order or from the date of application, as per the judgment of the Hon'ble Supreme Court in **Rajnish vs. Neha; (2021) 2 SCC 324**.

4. In the interest of justice, the arrears of maintenance from the date of application up to 14.07.2026, shall remain stayed. So far as interim maintenance from the date of order, i.e., 14.07.2026, is concerned, the same shall be paid by the revisionist from this month.

5. In case, the revisionist fails to comply with any of the aforesaid directions, the Principal Judge, Family Court, Auraiya will be at liberty to proceed for recovery of the arrears of maintenance amount from the revisionist in terms of order dated 14.07.2026.

6. The the Principal Judge, Family Court, Auraiya is also directed to pass final order on the pending application filed under Section 125 Cr.P.C./144 B.N.S.S. independently, in accordance with law and on the basis of the evidence on record, without being influenced by any observation made in this order, preferably within a period of six months, after providing an opportunity of hearing to both the parties and without granting any unnecessary adjournment.

7. The trial court may also refer the matter to the Mediation Centre, if the parties are willing to amicably settle the dispute through mediation.

8. It will be still open for the the Principal Judge, Family Court, Auraiya that at the time of finally deciding the application under Section 125 Cr.P.C., in view of the judgment of **Rajnesh** (supra), maintenance amount may be awarded either from the date of application or from the date of order.

9. With the aforesaid directions, this revision is **disposed of**.

**August 31, 2026**

K.Tiwari

**(Praveen Kumar Giri,J.)**