



2026:AHC:173684

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4992 of 2026

Gyan Prakash

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Jagdish Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Jagdish Singh, learned counsel for the revisionist and Sri Sunil Kumar, learned A.G.A. for the State.
2. 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 prayed that this Hon'ble court may graciously be pleased to allow the present criminal revision and set-aside the Judgment and order dated 19.05.2026 passed by passed by Principal Judge Family Court Gorakhpur in Criminal Maintenance Case No. 0261 of 2024 (Shakuntala Devi Vs. Gyan Prakash) Under Section 125 Cr.P.C. Police Station Bansgaon District Gorakhpur. Where by awarding the interim maintenance to pay the opposite party no.2, Shakuntala Devi Rs. 12,000/- per month, the Minor daughter Srishti Rs. 4000/- per month and the Minor daughter Kriti Rs. 4000/- per month a Total of Rs. 20,000/- per month as interim maintenance on the 10th of Each month from the date of Application dated 07.05.2025 untill the final disposal of the case.

It is further prayed that this Hon'ble court may graciously be pleased to stay the effect and operation of the impugned Judgment and Order dated 19.05.2026 passed by Principal Judge Family Court Gorakhpur in Criminal Maintenance Case No. 0261 of 2024 (Shakuntala Devi Vs. Gyan Prakash) Under Section 125 Cr.P.C. Police Station Bansgaon District Gorakhpur, during the pendency of the present revision before this

Hon'ble court, and/or pass such other further order which this Hon'ble court may deem fit and proper in the circumstances of the case, otherwise revisionist shall suffer irreparable loss and injury."

3. Learned counsel for the revisionist submits that court of Principal Judge, Family Court, Gorakhpur vide order dated 19.05.2026 directed the revisionist to pay Rs.12000/- per month to his wife/opposite party no.2 and Rs.4000/- per month each to both minor daughters/opposite party nos.3 and 4 as an interim maintenance from the date of application i.e. 07.05.2025. He further submits that the amount of interim maintenance does not commensurate with the income of the revisionist. 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 i.e. 07.05.2025 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. 19.05.2026 and he will also pay the interim maintenance amount to his wife regularly on monthly basis.

4. In view of above facts and circumstances and in interest of justice, the arrears of interim maintenance amount starting from the date of application i.e. 07.05.2025 upto 18.05.2026 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. 12.05.2026 and he shall continue to pay the monthly maintenance amount regularly.

5. In case, the revisionist fails to comply with any of the aforesaid directions, the Principal Judge, Family Court, Gorakhpur, will be at liberty to proceed for recovery of the arrears of maintenance amount from the revisionist in terms of order dated 19.05.2026 as per prevailing law. The Principal Judge, Family Court, Gorakhpur is directed to pass final order on the pending application under section 125 Cr.P.C., 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.**

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

(Praveen Kumar Giri,J.)

August 18, 2026
Manish Himwan