



2026:AHC:64404

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 110 of 2026

Pawan

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Neeraj Kumar Srivastava, Prashant
Kumar Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE PRAVEEN KUMAR GIRI, J.

Ref: C.M. Delay Condonation Application No. 1 of 2026

1. The instant revision is reported to be beyond time by 364 days.
2. Cause shown in the affidavit supporting delay condonation application has been explained to the satisfaction of the Court.
3. The delay condonation application is **allowed**.
4. Delay in filing this revision is hereby condoned.

Ref: Order on Criminal Revision

5. 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.
6. The relief which has been mentioned in the revision is delineated below:-

"It is, therefore most respectfully prayed that this Hon'ble court may graciously be pleased to allow the present revision and set-aside the impugned Judgment/Order dated 16.10.2024, passed by Additional Principal Judge Family Court Mathura, in Case Number-65 of 2022 (Smt. Rajkumari and others Vs Pawan) Under section- 125 Cr.P.C. Police Station-Highway Sahar District-Mathura, by which the court

below without considering the facts and material on record and legal aspect of law allow the application by which the court below without considering the facts and material on record and legal aspect of law allow the application 14-B of the Opposite party number-2, by directed that during the pendency of the case the revisionist paid the interim maintenance to opposite party number-2, of rupees 3000/- and Rupees 1,000/-per month as interim maintenance to minor children's total 6,000/- from 10.01.2024,.

It is further prayed that this Hon'ble Court Comay be pleased to stay the further proceeding in Case Number-65 of 2022 (Smt. Rajkumari and others Vs Pawan) Under section 125 Cr.P.C.. Police Station-Highway Sahar District-Mathura, by which the court below without considering the facts and material on record and legal aspect of law allow the application 14-B of the Opposite party number-2, by directed that during the pendency of the case the revisionist paid the interim maintenance to opposite party number-2, of rupees 3000/- and Rupees 1,000/- per month as interim maintenance to minor children's total 6,000/-from 10.01.2024, during the pendency of the aforesaid revision, and/or pass such other and further order, which this Hon'ble court may deem fit and proper in the facts and circumstances the case, otherwise revisionist/applicant shall suffer irreparable loss and injury."

7. Learned counsel for the revisionist submits that revisionist is ready to deposit Rs.1 lakh at a time out of the arrears of maintenance and shall also pay the regular monthly maintenance amount to the wife as well as to the minor children as per the directions of the Additional Principal Judge, Family Court, Mathura vide order dated 16.10.2024. He further prays that on the aforesaid undertaking, the amount remaining unpaid out of arrears shall be kept in abeyance till the final disposal of the application filed under Section 125 Cr.P.C.

8. Learned counsel for the revisionist further submits that in case of default in payment of the regular monthly maintenance as well as the amount of Rs.1 lakh in the month of April, 2026 the benefit of this order shall stand automatically vacated.

9. On the assurance as well as undertaking of the learned counsel for the revisionist, this Court is directing the Additional Principal Judge, Family Court, Mathura to permit the revisionist to deposit Rs.1 lakh at a time out of the arrears of maintenance and to deposit the regular monthly maintenance from the month of April, 2026 to the wife and children.

10. In case the revisionist deposits Rs.1 lakh out of the arrears of maintenance amount and continues to pay the regular monthly maintenance from the month of April, 2026, the remaining arrears of interim maintenance shall be kept in abeyance till the final disposal of the application filed under Section 125 Cr.P.C.

11. In case the revisionist fails to deposit Rs.1 lakh out of the arrears of interim maintenance or fails to pay the regular monthly maintenance, the interim relief granted today shall stand automatically vacated and the concerned Family Court shall proceed to execute the interim maintenance order by sending the revisionist to civil prison and by executing the amount as a money decree in accordance with the law laid down by the Hon'ble Supreme Court in **Rajnish vs. Neha; (2021) 2 SCC 324**, and may also attach the property of the revisionist for recovery of the amount in terms of the order dated 16.10.2024 passed by the Additional Principal Judge, Family Court, Mathura.

12. The Additional Principal Judge, Family Court, Mathura is also directed to decide the application filed under Section 125 Cr.P.C expeditiously, after affording opportunity of hearing to both the parties in accordance with law.

13. Accordingly, the revision is **disposed of**.

(Praveen Kumar Giri,J.)

March 28, 2026

K.Tiwari