



2026:AHC:54476

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1592 of 2025

Vishal Verma

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Asha Parihar, Bharat
Bhushan Dubey, Geeta
Parihar, Pratik Chandra,
Vijay Kumari Pathak
Counsel for Opposite Party(s) : G.A., Manoj Kumar Patel

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Bharat Bhushan Dubey, Advocate, along with Sri Pratik Chandra, learned counsel for the revisionist; Sri Manoj Kumar Patel, learned counsel for Opposite Party No. 2; and the learned A.G.A. for the State. The record has also been perused.
2. This criminal revision has been filed by the revisionist seeking to set aside the order dated 26.09.2024 passed by the learned Additional Principal Judge, Family Court, Pilibhit in Case No. 232 of 2023 under Section 125 Cr.P.C., whereby the learned trial court directed the revisionist to pay Rs. 15,000/- per month as interim maintenance from the date of the application.
3. Learned counsel for the revisionist contends that the impugned order has been passed in a mechanical manner without properly appreciating the pleadings and material available on record. It is submitted that the learned trial court failed to consider the actual income and financial capacity of the revisionist and proceeded on surmises and conjectures. It is further submitted that the revisionist is a constable and his basic pay is Rs. 34,300/- per month. It is

also contended that the revisionist has other family liabilities and does not have sufficient means to pay the amount awarded. According to the learned counsel, the quantum of interim maintenance fixed is excessive, arbitrary, and unsustainable in the eyes of law and is, therefore, liable to be set aside.

4. From a perusal of the impugned order, it transpires that the revisionist/husband is an able-bodied person and, therefore, cannot shirk his pious obligation to maintain his wife and child. So far as the income of the revisionist is concerned, at page 62 of the paper book, the statement of account for the month ending August 2024 has been appended, which shows that the gross income of the revisionist is Rs. 74,927/- and, after all deductions, the net income of the revisionist is Rs. 52,656/-. Keeping in view the law laid down by the ***Hon'ble Supreme Court in Rajnesh v. Neha and Another, (2021) 2 SCC 324; Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy, AIR 2017 SC 2383; and Kulbhushan Kumar v. Raj Kumari, (1970) 3 SCC 129***, it has been observed that maintenance may be granted up to the extent of 25% of the husband's net income. Accordingly, 25% of Rs. 52,656/- comes to approximately Rs. 13,000/- per month.
5. Accordingly, the amount of interim maintenance is reduced from Rs. 15,000/- per month to Rs. 13,000/- per month, payable from the date of the application.
6. Consequently, the present criminal revision is partly allowed. The amount of interim maintenance shall be payable from the date of the application and shall continue till the final disposal of the proceedings. It is made clear that the amount of maintenance shall be calculated on the basis of the present order. If the revisionist has already paid any amount towards maintenance, the same shall be duly adjusted. In case any

arrears remain unpaid, the revisionist shall clear them in ten equal monthly instalments. The first instalment shall be paid on or before 20th April 2026, and the remaining instalments shall be paid on or before the fifteenth day of each succeeding calendar month.

7. The learned trial court is directed to decide the application under Section 125 Cr.P.C. expeditiously, preferably within a period of four months from the date of production of a certified copy of this order, keeping in view the income and means of both the parties.

March 17, 2026

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(Madan Pal Singh,J.)