



2026:AHC:54590

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1651 of 2025

Mohammad Hasnain Khan

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Ajai Kumar, Chandrabhan

Counsel for Opposite Party(s) : Ashwini Kumar, G.A., Ganesh Shanker
Srivastava

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Shri Chandrabhan, learned counsel for the revisionist, Sri Ganesh Shanker Srivastava, learned A.G.A. for the State, and perused the record.
2. The present criminal revision has been filed against the judgment and order dated 08.01.2025 passed by the learned Principal Judge, Family Court, Sonbhadra in Case No. 54 of 2020 (Shahnaj Khan & Another vs. Mohd. Hasnain Khan) under Section 125 Cr.P.C., Police Station Anpara, District Sonbhadra, whereby the learned Judge allowed the application under Section 125 Cr.P.C. filed by Opposite Party Nos. 2 and 3 and awarded maintenance of Rs. 2,000/- per month to Opposite Party No. 2 from the date of presentation of the application, i.e., 01.02.2020 till the date of the order, and Rs. 1,000/- per month thereafter till the date of the order; further, the revisionist has been directed to pay Rs. 4,000/- per month to Opposite Party No. 2 from the date of the order, i.e., 08.01.2025, for her lifetime, and Rs. 3,000/- per month to Opposite Party No. 3 till attaining majority, with arrears to be paid within three months.
3. Learned counsel for the revisionist contends that the maintenance amount awarded by the learned Trial Court is excessive and disproportionate to his income. It is further submitted that the

marriage between the revisionist and Opposite Party No. 2 was solemnized without any demand for dowry and that no harassment was ever caused by the revisionist. It is also argued that the revisionist is working as an M.M.Q. Quality Engineer in Aurangabad, Bihar, and has additional familial liabilities to discharge; therefore, the amount awarded is beyond his financial capacity and liable to be reduced.

4. On the other hand, learned counsel for the opposite party no.2 submitted that, keeping in view the present scenario and the cost of living, the amount of Rs.7,000/- per month awarded by the Trial Court cannot be considered excessive. Hence, the impugned order passed by the Trial Court does not call for interference by this Court.
5. Having considered the rival submissions and perused the record, this Court finds that it is an admitted position that Opposite Party No. 2 is the legally wedded wife of the revisionist. As regards the income of the revisionist, the Trial Court has observed that he is employed as an Engineer in Aurangabad, Bihar; however, no documentary evidence of his exact income has been brought on record. Nevertheless, considering his professional qualification and employment, it would be reasonable to assess his monthly income in the range of Rs. 30,000/- to Rs. 35,000/-. Keeping in view the law laid down by the Hon'ble Supreme Court in ***Rajnish vs. Neha and Another, (2021) 2 SCC 324; Kalyan Dey Chowdhury vs. Rita Dey Chowdhury Nee Nandy, AIR 2017 SC 2383; and Kulbhushan Kumar vs. Raj Kumari, (1970) 3 SCC 129***, it has been held that maintenance may be granted up to the extent of 25% of the husband's net income. Accordingly, 25% of Rs. 30,000/- comes to Rs. 7,500/- per month, which is on the higher side of the amount awarded by the learned Trial Court.
6. The revisionist/husband is an able-bodied person and, therefore, cannot shirk his pious obligation to maintain his wife and child. The maintenance of Rs.7,000/- per month (Rs. 4,000/- per month to Opposite Party No. 2 from the date of the order, i.e., 08.01.2025, for her lifetime, and Rs. 3,000/- per month to Opposite Party No. 3 till

attaining majority) awarded by the Trial Court cannot be said to be excessive. Hence, the impugned order passed by the Trial Court does not warrant interference by this Court.

7. Accordingly, the present criminal revision is **dismissed**.

(Madan Pal Singh,J.)

March 17, 2026
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