



2026:AHC:54131

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1850 of 2025

Shameem Ahamad

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Anjani Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Anjani Kumar, learned counsel for the revisionist, Sri Sudhir Kumar Agarwal, learned counsel for the opposite party no.2, learned A.G.A. for the State, and perused the record.
2. The present criminal revision has been filed by the revisionist with a prayer to set aside the impugned judgment and order dated 21-03-2025 passed by learned Principal Judge, Family Court, No.2, Varanasi in Case No. 933 of 2022, under Section 125 Cr.P.C., whereby the trial court has directed the revisionist to pay a sum of Rs. 3,000/- 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 contended that the revisionist has other family liabilities and does not have sufficient means to pay the amount awarded. According to 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. Per contra, learned A.G.A. for the State has opposed the criminal revision and supported the impugned order, submitting that the revisionist being an able-bodied person cannot shirk his obligation to maintain his wife and child. It is further submitted that the interim maintenance awarded is reasonable and calls for no interference by this Court.
5. From 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, there is no documentary evidence on record regarding his exact income. However, even if the revisionist is considered to be a labourer, it would be reasonable to assume that he earns approximately Rs. 600/- per day, amounting to Rs. 18,000/- per month. Keeping in view the law laid down by the Hon'ble Supreme Court in ***Rajnesh 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***, maintenance may be granted up to the extent of 25% of the husband's net income. Accordingly, 25% of Rs. 18,000/- comes to Rs. 4,500/- per month, which is higher than the amount awarded by the learned trial court.
6. The interim maintenance allowance of Rs. 3,000/- per month, in total, has been awarded by the trial court on the basis of a prima facie assessment of the revisionist's income. The application filed by opposite party no. 2 under Section 125 Cr.P.C. is still pending consideration before the court below for final adjudication and shall be decided after both oral and documentary evidence are led. During the

course of the trial, the parties shall have ample opportunity to produce their respective evidence before the trial court.

7. Keeping in view the facts of the present case and, in the considered opinion of this Court, the impugned order does not suffer from any illegality or infirmity and calls for no interference by this Court.

8. The criminal revision is devoid of merit and is, accordingly, dismissed.

March 17, 2026
pks

(Madan Pal Singh,J.)