

Court No. - 93

Case :- CRIMINAL REVISION No. - 1165 of 2023

Revisionist :- Smt. Ranjeeta @ Ravita

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Dharmendra Kumar Dwivedi, Pradeep Kumar Tripathi

Counsel for Opposite Party :- G.A., Keshari Nath Tripathi, Nidhi Singh

Hon'ble Mrs. Jyotsna Sharma, J.

01. Heard Sri Pradeep Kumar Tripathi, learned counsel for the revisionist, Sri Keshari Nath Tripathi, learned counsel for respondent no.2 and Sri O.P. Mishra, learned A.G.A. for the State and perused the record.

02. This criminal revision has been filed on behalf of the revisionist challenging the order dated 19.11.2022 passed by Principle Judge, Family Court, Saharanpur in Case No.542 of 2020, under Section 125 Cr.P.C. whereby the respondent No.2/husband has been directed to pay Rs. 7,000/- per month to his wife (the revisionist)

03. Relevant facts are as below:-

The revisionist filed an application under Section 125 Cr.P.C. against her husband (respondent no.2 herein). After hearing both the sides application under Section 125 Cr.P.C. was allowed directing the husband to pay Rs.7000/- per month as maintenance to his wife beginning from the date of the order i.e. 19.11.2022.

04. The revisionist has challenged the aforesaid order on two issues firstly that the application for maintenance was filed on 01.09.2020 and came to be decided after a gap of almost two years, hence, the court was not justified in granting maintenance from the date of the order. To stress this point the revisionist has relied upon judgment of Hon'ble Supreme Court in the case of **Rajnish vs. Neha (2021) 2 SCC 324**. Secondly it is contended on behalf of the applicant that amount of maintenance is quite deficient considering the monthly earning of her husband. It is submitted that admittedly respondent no.2 is a government servant at the moment posted as Sub Inspector, therefore, the amount of maintenance of Rs.7000/- cannot be considered appropriate, in the background of the fact that he is getting salary of Rs.47,190/- per month.

05. Both contentions submitted on behalf of the revisionist have been opposed by other side drawing attention of this Court to certain parts of the judgment to show the peculiar facts and circumstances of the case as mentioned in the judgment itself. It is contended in nutshell that the respondent no.2 had to cough up hefty amount of money to sort out the matter which had arisen between real brother of respondent no.2, his wife and the revisionist. It is argued that the revisionist-Smt. Ranjeeta @ Ravita/wife of respondent no.2 has illicit relations with real brother of respondent no.2. These complex human relationship culminated in bitterness between brother of respondent no.2 and his wife Rashmi. He (brother of respondent no.2) assaulted his wife. In this background a

criminal case no.621 of 2018, under Section 307 I.P.C. was registered against the revisionist and brother of respondent no.2. The revisionist was arrested in that case. Later on Rashmi filed a divorce case against her husband in which compensation/alimony to the tune of Rs.14 lakh was awarded and respondent no.2 being an elder brother paid Rs.9 lakh from his own account and remaining Rs.5 lakh from other means. It is pointed out that there was enough of evidence before the trial court to demonstrate that it was the husband who became victim of the circumstances around him and that his wife was not entitled for any maintenance amount. It is further argued that even if it is presumed that she is entitled for the same the amount of maintenance decided and the date of payment is perfectly justified as respondent husband has been able to prove that financial burden in aftermath of criminal case and the civil case of divorce fell upon him being earning elder in the family. Additionally, it is pointed out that it is he who is taking care of only daughter.

06. I went through the impugned judgment and order. The learned trial court has noted down the peculiar facts and circumstances relating to the parties, relating to his family members and bearing the brunt of complex human relationships, the fall outs of criminal case as well as case of divorce which admittedly was fought between real brother of respondent no.2 and his wife. In the concluding para, page 12 of the impugned judgment learned trial court considered all the material facts, related circumstances and found it appropriate to grant of maintenance of Rs.7000/- from the date of the order. In my view, learned trial court has given cogent reasons for deciding the quantum of maintenance and grant thereof from the date of the order. The Apex Court in the case of **Rajnish (supra)** has not completely blocked the discretionary power of the trial court in granting maintenance from the date of order in case there are circumstances and reasons for doing the same. The trial court has in the background of financial liabilities and family responsibilities falling upon him has taken a realistic view in the matter. In my view, the powers have been applied in judicious manner calling for no interference in the order.

07. Hence, the criminal revision is **dismissed**.

Order Date :- 10.5.2023

Asha