

Court No. - 87

Case :- CRIMINAL REVISION No. - 2791 of 2024

Revisionist :- Chandrapal

Opposite Party :- State Of U.P. And 3 Others

Counsel for Revisionist :- Dhananjay Kumar,Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.,Mohd Hamid

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the revisionist, learned A.G.A. appearing for the State and Sri Veet Raj Yadav, Advocate holding brief of Md. Hamid Azmi, learned counsel appearing for Opposite Parties No. 2, 3 and 4.

2. It has been contended on behalf of the revisionist that Opposite Party No. 2 was initially married with one Mr. Deepak on 22.11.2009 but since Mr. Deepak died, she remarried on 30.07.2010 to one Mr. Pankaj. It has further been contended that during subsistence of second marriage of Opposite Party No. 1 with Mr. Pankaj, she solemnized marriage with the revisionist. It has also been contended that Opposite Party No. 1, at the time of marriage with the revisionist, did not disclose about her subsisting marriage with Mr. Pankaj.

3. It has been argued on behalf of the revisionist that Opposite Party No. 2 had lodged a criminal case of demand of dowry against Mr. Pankaj and the trial court had passed order on 20.03.2012 in Case No. 1054 of 2011 (State Vs. Pankaj and Others), whereby Mr. Pankaj and others were acquitted.

4. It has further been argued that from the record, it is apparent that Opposite Party No. 1, by concealing material facts, had solemnized marriage with the revisionist therefore, she is not entitled for maintenance awarded under the impugned order dated 24.08.2023.

5. Learned counsel appearing for Opposite Party No. 1 has not denied that the marriage of Opposite Party No. 1 with Mr. Pankaj is still subsisting.

6. In view of the aforesaid arguments, this Court is of the prima-facie view that Opposite Party No. 1 is not entitled for maintenance from the revisionist, under Section 125 Cr.P.C.

7. Let Counter-Affidavit be filed by Opposite Party No. 1 within a period of six weeks.

8. List this matter on 10.01.2025.

9. Till further orders of this Court, the impugned order dated 24.08.2023 passed by the Principal Judge, Family Court, Saharanpur in Case No. 1054 of 2011 (State Vs. Pankaj and Others), to the extent of grant of maintenance of Rs. 2,000/- per-month to Opposite Party No. 1 shall, remain stayed.

Order Date :- 13.11.2024

A. Mandhani