

Court No. - 43

Case :- CRIMINAL REVISION No. - 2628 of 2024

Revisionist :- Devki

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

Counsel for Revisionist :- Satish Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Dr. Gautam Chowdhary,J.

1. Heard learned counsel for the revisionist, learned A.G.A. and perused the record.
2. The present revision has been filed for quashing the Judgement and order dated 20.04.2024 passed by learned Additional Principal Judge, Family Court, District Mainpuri, in Criminal Case No.161 of 2019 (Devki Vs.Vinay @ Monu) under Section 125 Cr.P.C. Police Station Bewar, District Mainpuri, whereby the application under Section 125 Cr.P.C. filed by the revisionist has been rejected.
3. Learned counsel for the revisionist submits that the opposite party no.2 has deserted the revisionist and that the revisionist tried her level best to live with the opposite party no.2 but all in vain. He further submits that the opposite party no.2 has solemnised second marriage which fact was also brought to the notice of the learned Family Court but the learned Family Court instead of considering the same and passing appropriate Court by granting maintenance to the revisionist has rejected the application under Section 125 Cr.P.C. Learned counsel further argued that the revisionist is a pauper deserted lady having no source of income to meet her livelihood and therefore, the revisionist was entitled for maintenance but by rejecting the same without applying its judicial mind, the learned Family Court has committed gross error of law therefore the impugned Judgement and order is not sustainable in the eyes of law thus, the same is liable to be set aside by this Court.
4. Learned A.G.A. for the State has opposed the prayer and has argued that the impugned Judgement and order is perfectly legal, just and proper, which calls for no interference by this Court.

5. Issue notice to opposite party nos.2 returnable by the next date of listing. Steps be taken within a week.

6. Opposite parties may file their counter affidavits within four weeks. Rejoinder affidavit may be filed within two weeks thereafter.

7. List on 21.08.2024 in the additional cause list.

Order Date :- 4.7.2024

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