



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6505 of 2025

Sarnam Singh

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Lakshman Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.
2. The instant criminal revision has been preferred against the judgment and order dated 9th July, 2025 passed by the Additional Principal Judge, Family Court, Jalaun at Orai passed in Criminal Misc. Case No. 730 of 2021 (Smt. Shakuntala Vs. Sarnam Singh) under Section 127 Cr.P.C., whereby the trial court while allowing the application of opposite party no.2 under Section 127 Cr.P.C. has directed the revisionist to pay Rs. 5,000/- per month to opposite party no.2 in place of Rs. 1,500/- per month as earlier awarded to the opposite party no.2 under Section 125 Cr.P.C.
3. Learned counsel for the revisionist submits that on one hand, the trial Court in its impugned order has presumed the total income of the revisionist is Rs. 10,000/- i.e. Rs. 350/- per day but on the other hand, the trial court has enhanced the monthly maintenance allowance in faovur of opposite party no.2 to the tune of Rs. 5,000/- per month from Rs. 1,500/- per month, which is almost 50% of the total income of the revisionist. As such the order impugned passed by the trial court he hors the guidelines framed by the the Hon'ble Supreme Court of India in the cases of **Rajnish Vs. Neha** reported in (2021) 2 SCC 324 and **Kulbhushan Kumar (Dr) v. Raj Kumari** reported in (1970) 3 SCC 129, wherein it has been observed that the maintenance allowances can be granted up to the extent of 25% of the net income of the husband. The Hon'ble Supreme Court has further observed that the maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. On the above premise, learned counsel for the revisionist submits that the order impugned cannot be legally sustained and is liable to be set aside.

4. Matter requires consideration.
5. Issue notice to opposite party No.2, by speed post as well as through concerned C.J.M. fixing 19th March, 2026 as the date.
6. Steps be taken within a week.
7. Both the opposite parties may file their respective counter affidavits by the next date fixed.
8. List this case on 19th March, 2026 as fresh in top ten.
9. Till the next date of listing, effect and operation of the judgment and order dated 9th July, 2025 passed by the Additional Principal Judge, Family Court, Jalaun at Orai passed in Criminal Misc. Case No. 730 of 2021 (Smt. Shakuntala Vs. Sarnam Singh) under Section 127 Cr.P.C. shall be kept in abeyance provided he shall pay Rs. 3,500/- per month to opposite party no.2 regularly towards maintenance allowance.

February 6, 2026
Sushil/-

(Madan Pal Singh,J.)