

Court No. - 80

Case :- CRIMINAL REVISION No. - 5978 of 2024

Revisionist :- Durga Prashad

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

Counsel for Revisionist :- Amit Kumar, Vinod Kumar Tirpathi

Counsel for Opposite Party :- G.A.

Hon'ble Ram Manohar Narayan Mishra, J.

Instant Criminal Revision has been preferred by the revisionist against judgment and order dated 30.09.2024 passed by Additional Sessions Judge/ Fast Track Court, Bulandshahar, in Criminal Appeal No.178 of 2022, under Section 12 of Protection of Women from Domestic Violence Act, 2005, Whereby the various protection orders passed by learned Additional Chief Judicial Magistrate, Anoopshahar, District Bulandshahar on 03.08.2022 has been modified and it is directed that opposite parties who are parents-in-law, brother and sister-in-law (Jeth and Jethani) and sister-in-law (Nanad) are directed to be restrained from committing any act of domestic violence against the complainant, and opposite party No.1, the father-in-law has been directed to pay Rs.10,000/- as compensation for causing physical and mental harassment to the complainant and he has also been directed to let the aggrieved reside in share house hold or provide her an equally suitable alternative accommodation in the same locality to the complainant.

Apart from that opposites party No.1 has also been directed to pay Rs.4,000/- per month to the applicant and Rs.2,000/- to her minor child as maintenance per month.

Learned counsel for the revisionist submitted that recovery warrant has been issued by the court below to recover the amount of maintenance awarded to the applicants, which is directed against the revisionist, he is not having any property of his own, he is a 70 years old person. The husband of the complainant who was son of the revisionist already died. The revisionist is suffering from various old age ailments, whatever property he owned he already disbursed the same amongst his two sons and has kept with him nothing. The complainant used to pickup quarrel with the revisionist and his family members every day, due to which he effected partition of the house on 28.11.2014. The wife of the revisionist sold the residential plot along with in her name and on the same day got a separate plot registered in the name of her both

sons. The respondent No.2 has received the claim under insurance policy taken by her late husband, and she also has an FD of Rs.46,000/- for both the children, which will be given to them when they become major. Husband of the complainant had got three plots registered in his name and one plot registered in favour of the complainant and now on death of her husband all the plots are registered in the name of the complainant.

With above contentions, learned counsel for the revisionist prayed for staying the impugned order.

Per contra, learned A.G.A. opposed the prayer for interim stay and submitted that impugned order was passed on 06.02.2021, and the revisionist has paid nothing towards compliance of impugned order which was affirmed by the learned appellate court with some modification.

List this case as fresh on 25.02.2025.

Till the next date of listing no coercive process shall be issued against the revisionist, provided that he deposits Rs.1,25,000/- within a month before the court, which shall be immediately payable to the respondent No.2 by the court below.

However, it is clarified that any infraction in compliance of this order on the part of revisionist shall entail issuance of coercive process against the revisionist and interim order will be vacated.

Issue notice to respondent No.2, returnable at an early date, through CJM concerned.

Counter affidavit, if any, may be filed by the next date.

Order Date :- 16.1.2025

Ashish/-