

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 757 OF 2012  
[ARISING OUT OF S.L.P. (CRL) NO. 7061 OF 2011]

ALKA RAJESH GUPTA ... APPELLANT(s)

Versus

RAJESH MAHESH GUPTA ... RESPONDENT(s)

O R D E R

Leave granted.

2. We have heard Mr. P.K. Jain, learned counsel for the appellant and Mr. Sunil Prakash, learned counsel for the respondent.

3. Having regard to the overall facts of the case, we are of the view that the Family Court, Haridwar was not right in refusing maintenance to the appellant-wife under Section 125 of the Code of Criminal Procedure, 1973 (Cr.P.C.). The High Court ought to have corrected the erroneous order of the Family Court but it dismissed the Criminal Revision filed by the appellant.

4. The respondent - husband is a businessman. He seems to have immoveable properties at various places

including Mumbai and Lonawala. He also has shares in some engineering company.

5. Having regard to the sound financial position of the respondent-husband, we are satisfied that the application made by the petitioner-wife for grant of maintenance under Section 125 Cr.P.C. @ Rs. 25,000/- p.m. deserves to be allowed.

6. We, accordingly, direct that the respondent-husband shall pay maintenance to the petitioner-wife @ Rs. 25,000/- p.m. from May 1, 2012. The payment of



HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)            Mr. P.K. Jain,Adv.

For Respondent(s)           Mr. Sunil Prakash,Adv.  
                                 Mr. Vikas Tiwari, Adv.  
                                 Mr. Dharmendra Kumar Sinha,Adv.

UPON hearing counsel the Court made the following  
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O R D E R

Leave granted.

Criminal Appeal is allowed in terms of signed order.

In view of disposal of appeal, Crl.M.P. No. 18518 of  
2011 stands disposed of.

(Pardeep Kumar)  
Court Master

(Renu Diwan)  
Court Master

[ SIGNED ORDER IS PLACED ON THE FILE ]