

**Court No. - 90**

**Case :-** CRIMINAL REVISION No. - 87 of 2023

**Revisionist :-** Raghvendra Patel

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

**Counsel for Revisionist :-** Sunil Choudhary

**Counsel for Opposite Party :-** G.A.

**Hon'ble Syed Aftab Husain Rizvi,J.**

Learned counsel for the revisionist, Sri J.P. Singh, learned counsel for the opposite party no.2 and learned A.G.A. for the State are present.

This criminal revision is directed against impugned order dated 14.10.2022 passed by learned Additional Principal Judge, Family Court, Court No.1, Deoria in Criminal Misc.Case No.856 of 2021 (Smt. Renu Patel Versus Raghvendra Patel ) under Section 125 Cr.P.C., Police Station Tarkulwa, District Deoria.

By the impugned order, learned court below has awarded Rs.6,000/-monthly interim maintenance to opposite party no.2.

Perusal of impugned order reveals that neither of the parties have filed any affidavit of assets and liabilities as required by the direction of Hon'ble Apex Court in **Rajnish Versus Neha and another in Criminal Appeal No.730 of 2020 (arising of SLP (Crl) No.9503 of 2018) decided on 4 November, 2020** which is necessary. So without issuing notice to opposite party no.2 as no useful purpose would be served and without going into the merits of the other materials, the impugned order is liable to be set aside on this ground alone and the matter may be remitted back to the court below to decide the interim maintenance application afresh, after taking affidavits of assets and liabilities of the parties.

Accordingly, the revision is allowed. The impugned order dated 14.10.2022 passed by learned Additional Principal Judge, Family Court, Court No.1, Deoria in Criminal Misc.Case No.856 of 2021 (Smt. Renu Patel Versus Raghvendra Patel ) under Section 125 Cr.P.C., Police Station Tarkulwa, District Deoria is set aside. The court below is directed to direct the parties to file affidavits of assets and liabilities in the light of decision of Hon'ble Apex Court in **Rajnish Versus Neha and another in Criminal Appeal No.730 of 2020 (arising of SLP (Crl) No.9503 of 2018) decided on 4 November, 2020** and decide the interim maintenance application afresh, after affording opportunity of hearing to both the parties.

**Order Date :-** 20.4.2023

MN/-