

**Court No. - 93**

**Case :-** CRIMINAL REVISION No. - 3561 of 2022

**Revisionist :-** Rambhawan

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

**Counsel for Revisionist :-** Ganesh Kumar

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

**Hon'ble Mrs. Jyotsna Sharma,J.**

01. Heard Sri Ganesh Kumar, learned counsel for the revisionist and learned A.G.A. for the State.

02. This criminal revision has been filed by father against his minor son respondent no.2 challenging the order dated 07.06.2022 passed by Additional Principal Judge, Family Court, Sant Kabir Nagar, in Misc. Case No.95/11/2018 (Rudra vs. Rambhawan) under Section 125 Cr.P.C. whereby the revisionist father has been directed to pay Rs.3000/- per month to his minor son.

03. This is not disputed that the revisionist is father of the minor son who was at the time of filing the application under Section 125 Cr.P.C. merely 2 years old only.

04. It is contended on behalf of the revisionist that he is unemployed person and giving maintenance to the tune of Rs.3000/- per month is beyond his means.

05. Admit.

06. Issue notice to respondent no.2 to be served through natural guardian/mother.

07. Revisionist is directed to take steps within one week, complete in all respect, for issuance of notice on respondent no.2. The notice on respondent no.2 shall be served through the office of Principal Judge, Family Court Sant Kabir Nagar, which shall be returned to this Court within 15 days from the date of its receipt.

08. Operation of the impugned order shall remain stayed till for subject to the condition **firstly** the revisionist shall pay whole of the arrears of maintenance amount due on him till March,2023, in two equal installments within a period of two months i.e. first installment by 19.05.2023 or earlier and second installment by 19.06.2023 or earlier. **Secondly** the revisionist shall continue to pay Rs.2000/- per month which falls due on him from the month of April, 2023 onward, to his minor son.

09. In case of any default in compliance with above conditions, the order of stay shall become inoperative automatically and the court concerned shall be at liberty to proceed with the execution proceedings, if any, has been filed or is filed in future.

09. List on 03.07.2023 in the additional cause list.

10. Let a copy of this order be certified to the court concerned who shall submit a report on the point of compliance of above conditions by next date of hearing.

**Order Date :-** 19.4.2023

Asha