

(1997) 09 AHC CK 0069

Allahabad High Court

Case No: Criminal Revision No. 1215 of 1996

Usha Devi

APPELLANT

Vs

Om Prakash

RESPONDENT

Date of Decision: Sept. 3, 1997

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 127

Hon'ble Judges: P.K.Jain, J

Final Decision: Partly Allowed

Judgement

P. K.Jain, J.

Case is taken up in the revised list. None appears for the opposite party.

2. Heard counsel for the revisionist.

3. This is wife's revision against the order dated 2071996 partly rejecting her application for alteration of maintenance allowance granted to her under Section 125, Cr. P.C. by order dated 111183.

4. In Criminal Case No. 631 of 1980 under Section 125 Cr. P.C. the wife was granted maintenance allowance at the rate of Rs. 75/ per month. In her application under Section 127 Cr. P.C. she claimed enhanced of maintenance allowance to Rs. 1000/ on the ground that there has been marked rise in the price index and the income of the husband is now Rs. 3000/ per month. The opposite party in his objection denied that he was carrying on business of selling cloth but admitted that he was carrying on business of selling Chaal. Learned Magistrate took into consideration the rise in the price index and enhanced the maintenance allowance from Rs. 75A to Rs. 125.

5. Learned counsel for the revisionist contends that there has been steep rise in prices since 1983, when amount of Rs. 75/was directed to be paid as maintenance allowance. There cannot be two opinions that prices of the essential commodities have gone more that 45 times since the year 1983. The income of the husband must

have also been increased at least 45 times. The learned Magistrate has not taken these changed circumstances into consideration. The income of husband at present must not be less than 1000/ per month.

6 In the circumstances, the revision is partly allowed. The amount of maintenance allowance is enhanced to Rs. 250/per month from today.

Revision partly allowed,