

Corrected

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1664 OF 2019
(@ out of SLP (CrI.) No.2050/2017)

ASHA SHARMA

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 7.12.2016 passed by the High Court of Judicature at Allahabad in Criminal Revision No.109/2012.

Said Revision was filed by the appellant-wife seeking enhancement of the amount of maintenance of Rs.5000/- (Rs.2,000/- for the appellant-wife and Rs.1,000/- each for three children) to Rs.20,000/- .

This Court issued notice on 22.3.2017 and by subsequent order dated 27.11.2018, the respondent-husband was directed to pay to the appellant-wife the sum of Rs.25,000/- per month beginning from November, 2018.

The amounts at the aforesaid rate were deposited in the Registry of this Court and as of now an amount of Rs. 3,00,000/- stands deposited in the Registry of this Court.

We have gone through the order passed by the High Court. In our view, the High Court was not right in rejecting the prayer made by the appellant-wife. The discussion in that behalf has not dealt with the factual contours and issues involved in the matter.

We, therefore allow this appeal, set aside the order passed by the High Court and remit the matter for fresh consideration.

Criminal Revision No.109/2012 thus stands restored to the file of the High Court. The parties shall appear before the High Court on 9.12.2019. The appellant-wife is entitled to prefer an application for interim direction/relief in pending criminal revision.

We have not expressed any opinion on the merits of the matter which shall be gone into in pending criminal revision.

Out of the amount presently lying in deposit, we direct that a sum of Rs.1.50 lakhs be made over to the appellant-wife without any security while the balance amount of Rs.1.50 lakhs alongwith any interest accrued on the deposited sum be remitted to the Registry of the High Court which amount shall await the decision of the High

Court in aforesaid Criminal Revision No.109/2012.

With these observations, the appeal is allowed. No costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(INDU MALHOTRA)

New Delhi
November 7, 2019.

ITEM NO.8

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2050/2017

(Arising out of impugned final judgment and order dated 07-12-2016 in CR No. 109/2012 passed by the High Court Of Judicature At Allahabad)

ASHA SHARMA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 07-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s)

Mr. Ashok Mathur, AOR

For Respondent(s)

Mr. Vishnu Shankar Jain, AOR

Mr. Nikhil Jain, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall also stand disposed
of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(signed order is placed on the file)