

Court No. - 79

Case :- CRIMINAL REVISION DEFECTIVE No. - 784 of 2023

Revisionist :- Raju Yadav @ Raj Kumar Yadav

Opposite Party :- State Of U.P. And 2 Others

Counsel for Revisionist :- R S Dubey, Savita Dubey

Counsel for Opposite Party :- G.A., Sanjeev Kumar

Hon'ble Vipin Chandra Dixit, J.

Short counter affidavit has been filed by learned counsel for the opposite party nos.2 and 3, which is taken on record.

Heard Sri R.S. Dubey, learned counsel for the revisionist, learned A.G.A. for the State, Sri Sanjeev Kumar, learned counsel appearing on behalf of opposite party nos.2 and 3 and perused the record.

This criminal revision has been filed by the revisionist against the judgment and order dated 30.9.2021 passed by Additional Principal Judge, Family Court No.2, Deoria in Maintenance Case No.42 of 2020, by which the application filed by opposite party nos.2 and 3 under Section 125 Cr.P.C. was allowed ex-parte and revisionist was directed to pay Rs.5,000/- per month to opposite party no.2, who is wife of revisionist and Rs.2,000/- per month to opposite party no.3, who is minor son of revisionist from the date of application i.e. 17.1.2020.

Learned counsel appearing on behalf of opposite party nos.2 and 3 submits that the present criminal revision against the ex-parte judgment passed under Section 125 Cr.P.C. is not maintainable as the revisionist has an alternative remedy under Section 126(2) Cr.P.C. to file recall application for recalling of ex-parte order.

Learned counsel for revisionist does not dispute the aforesaid legal position.

In view of above, the criminal revision is dismissed on the ground of alternative remedy available under Section 126(2) Cr.P.C.

Order Date :- 31.10.2023

Kpy