

Court No. - 79

Case :- CRIMINAL REVISION No. - 3280 of 2023

Revisionist :- Suresh Rajbhar

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

Counsel for Revisionist :- Rajendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vipin Chandra Dixit,J.

Supplementary affidavit filed by learned counsel for the revisionist is taken on record.

Heard Sri Rajendra Kumar, learned counsel for the revisionist and learned AGA for the State, and perused the record.

This criminal revision has been filed against judgment and order dated 23.3.2023 passed by Principal Judge, Family Court, Ghazipur in Criminal Case No. 178/22(Sushela vs. Suresh Rajbhar) arising out of ex-parte order dated 5.6.2015 passed by Principal Judge, Family Court, Ghazipur in Case No. 892 of 2014 under Section 125 Cr.P.C., by which recovery warrant has been issued against the revisionist.

It is submitted by the learned counsel for the revisionist the the application filed by opposite party no.2 under Section 125 Cr.P.C. was allowed ex-parte by the Principal Judge, Family Court, Ghazipur vide order dated 5.6.2015 in Case No. 892 of 2014 and the revisionist was directed to pay maintenance of Rs.2500/- per month to his wife-opposite party no.2. The revisionist had filed application under Section 126(2) Cr.P.C. for recall of ex-parte order dated 5.6.2015 which was registered as Misc. Case No. 477 of 2015 and is still pending. The learned Family Court without deciding application under Section 126(2) Cr.P.C., had issued recovery warrant against the revisionist.

In view of above, criminal revision is disposed of with the direction to the Principal Judge, Family Court, Ghazipur to decide Misc. Case No. 477 of 2015 filed under Section 126(2) Cr.P.C. expeditiously within a period of two months from the date of production of certified copy of this order, after providing opportunity of hearing to the parties concerned, unless there is any legal impediment.

For a period of two months or till disposal of application under Section 126(2) Cr.P.C. no coercive action shall be taken against the revisionist.

Order Date :- 2.11.2023

P.P.