

Court No. - 79

Case :- CRIMINAL REVISION No. - 3480 of 2023

Revisionist :- Anil Dwivedi

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

Counsel for Revisionist :- Kamlesh Kumar Dwivedi, Saurabh Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vipin Chandra Dixit, J.

Heard Sri K.K. Dwivedi, learned counsel for the revisionist and learned AGA for the State. Perused the record.

This criminal revision has been filed by the revisionist against the ex parte judgment and order dated 23.5.2023 passed by Additional Principal Judge, Family Court, Fatehpur in Case No.110 of 2019 under section 125 Cr.P.C.(Namita vs. Anil Dwivedi), Police Station Kotwali, District Fatehpur, by which the application filed by opposite party no.2 was allowed ex-parte and revisionist was directed to pay Rs. 5000/- per month to opposite party no.2 who is wife of revisionist.

Learned AGA points out that present revision is not maintainable, as the revisionist has alternative remedy to file recall of ex-parte order under Section 126(2) Cr.P.C.

Learned counsel for the revisionist does not dispute the aforesaid fact.

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

If the recall application under Section 126(2) Cr.P.C. is filed, the same would be decided expeditiously in accordance with law after affording opportunity of hearing to the parties.

Order Date :- 6.11.2023

P.P.