

Neutral Citation No. - 2023:AHC:213267

Court No. - 82

Case :- CRIMINAL REVISION No. - 4540 of 2023

Revisionist :- Abhijeet Singh

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

Counsel for Revisionist :- Sandeep Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Ms. Nand Prabha Shukla,J.

Heard learned counsel for the revisionist and learned A.G.A. for the State- opposite party.

This criminal revision has been filed with a prayer to allow the present Criminal Revision and set-aside the impugned order dated 21.06.2023 passed by the Principal Judge, Family Court, Etah in the application (11B) under Section 126 (2) Cr.P.C. dated 26.04.2023, whereby rejected the application under Section 126(2) Cr.P.C. of the revisionist as well as the order dated 22.12.2022 passed by the learned Family Judge, Family Court, Etah in Case No.362 of 2019 (Smt. Rama and another vs. Abhijeet Singh) under Section 125 Cr.P.C., Police Station Kotwali Nagar, District Etah.

Learned counsel for the revisionist submitted that the application filed by the opposite party no. 2 under section 125 Cr.P.C. for getting maintenance was allowed ex-parte by the Principal Judge, Family Court, Etah vide order dated 22.12.2022. Thereafter the revisionist had filed application under section under Section 126 (2) Cr.P.C. dated 26.04.2023 for recall of the ex-parte order dated 22.12.2022 which is still pending. It is further submitted that in the maintenance proceeding, the revisionist wants to file written statement alongwith necessary documents/evidence.

Learned counsel for the revisionist is permitted to file written statement alongwith necessary documents/evidence in the pending maintenance proceedings along with delay condonation application.

In view of the above, the criminal revision is disposed with a direction that the Principal Judge, Family Court, Etah to decide the application filed under section 126 Cr.P.C. expeditiously in accordance with law after providing opportunity of hearing to the parties concerned, unless there is any legal impediment.

With the above, direction, the criminal revision is **disposed of**.

Order Date :- 7.11.2023/Monika