

Court No. - 85

Case :- CRIMINAL REVISION No. - 5171 of 2023

Revisionist :- Jitendra Kumar Richhariya

Opposite Party :- State Of U.P. And 3 Others

Counsel for Revisionist :- Manish Dev

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J.

Heard learned counsel for the revisionist, learned counsel for respondent and learned A.G.A for the State and perused the material on record.

The present Criminal Revision has been filed against order dated 31.07.2023 passed by learned Principal Judge, Family Court, Jhansi in case no. 602 of 2023 (Jitendra Vs. Vandana and others) by which the exemption application of the revisionist was dismissed by the court concerned on the ground that according to Section 13 of the Family Court Act no party can be permitted to put forth his case through counsel. It is also observed that the revisionist did not take steps.

It is submitted that the learned trial court did not consider the exemption application of the revisionist and dismissed the application under Section 126 Cr.P.C moved by him, therefore, the revisionist could not had an opportunity to present his case. An application under Section 126 Cr.P.C was moved to recall the order dated 23.01.2023 passed in petition no. 917 of 2021 (Smt. Vanadana Vs. Jitendra). It is also submitted that a hyper technical view is taken by the court while rejecting the application of the revisionist.

The counsel for the respondent opposed the prayer and submitted that revisionist has efficacious remedy to move a fresh application before the court concerned after taking proper steps.

The learned counsel for the revisionist submitted that revision may be disposed of and he may be given an opportunity to move a fresh application under Section 126 Cr.P.C. before the court concerned.

Hence, the revision is **disposed of** with the direction that the

revisionist can move an application under Section 126 Cr.P.C in accordance with law before the court concerned.

Order Date :- 31.10.2023/PS