

Court No. - 79

Case :- CRIMINAL REVISION No. - 5049 of 2023

Revisionist :- Arun Kumar Sahani

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

Counsel for Revisionist :- Sunil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vipin Chandra Dixit,J.

Heard Sri Sunil Kumar Singh, learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

This criminal revision has been filed by the revisionist against the judgment and order dated 16.8.2023 passed by Principal Judge, Family Court, Mau in Case No.812 of 2021, by which the application filed on behalf of opposite party nos.2 to 4, under Section 125 Cr.P.C. was allowed ex-parte and the revisionist was directed to pay Rs.10,000/- per month as maintenance to opposite party no.2, who is wife of revisionist and Rs.5,000/- per month each to opposite party nos.3 and 4, who are minor sons of revisionist.

Learned A.G.A. has pointed out that criminal revision against ex-parte judgment under Section 125 Cr.P.C. is not maintainable as the revisionist has an alternative remedy to file recall application under the proviso of Section 126(2) Cr.P.C.

Learned counsel appearing on behalf of revisionist does not dispute the aforesaid legal position.

In view of above, the present criminal revision is **dismissed** as the revisionist has an alternative remedy under the proviso of Section 126(2) Cr.P.C. to file recall application before the Family Court for recalling of ex-parte order.

Order Date :- 9.11.2023

Kpy