

Court No. - 89

Case :- APPLICATION U/S 482 No. - 39402 of 2023

Applicant :- Sankit Kumar

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

Counsel for Applicant :- Danish,Rajiv Sisodia

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. This application under Section 482 Cr.P.C. has been filed by the applicant to stay the issuance of recovery warrant dated 05.10.2023 in Criminal Case No.48 of 2023, under Section 125(3) Cr.P.C. and Section 126(2) Cr.P.C. in Misc. Case No.122 of 2023.
3. Learned counsel for the applicant has challenged the order dated 27.02.2023 by which Judicial Officer has allowed the application of opposite party No.2 and granted maintenance Rs.5,000/- per month from the date of filing of application. He further submitted that order passed on 27.02.2023 is *ex parte* order and without giving opportunity of hearing, order has been passed, which is liable to be set aside.
4. Considering the argument raised by applicant's counsel and from perusal of record, it is evident that application under Section 126(2) Cr.P.C. is pending before trial court, it is hereby directed that the court below shall consider and decide the application moved by the applicant under Section 126(2) Cr.P.C. within a period of one months from the date of production of certified copy of this order.
5. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 27.10.2023

Nitin Verma