

Court No. - 12

Case :- CRIMINAL REVISION No. - 612 of 2022

Revisionist :- Neeraj Dixit

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 2 Others

Counsel for Revisionist :- Rajesh Kumar Agnihotri

Counsel for Opposite Party :- G.A.,Rajiv Raman
Srivastava,Suyesh Pradhan

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the revisionist, learned counsel for the private respondents as well as learned A.G.A. for the State. and perused the record.
2. The present revision has been filed for quashing the impugned judgment and order dated 14.03.2022 passed by learned Additional Principal Judge, Family Court, Court No.2, Sitapur in Criminal Misc. Case No. 1303/2019 (**Smt. Rekha Dixit & Others vs. Neeraj Dixit**) under section 125 Cr.P.C.
3. Learned counsel for the revisionist submits that the case in question was listed on 27.01.2022 before learned Principle Judge, Family Court, Sitapur; on the said date by way of administrative order dated 24.01.2022, general dates were fixed including 23.03.2022 that was noted by the counsel for revisionist. It is further submitted that in the meantime, learned trial court decided the case in question on 14.03.2022 and awarded the maintenance of Rs. 3,000/- per month. It is, thus, submitted that the impugned order is liable to be set aside.
4. Learned counsel for the private respondents submits that in the administrative order dated 24.01.2022, some general dates were fixed and in the present case, the date as 14.03.2022 was also fixed on which the matter was decided, therefore, there is no illegality in the impugned order.
5. Learned A.G.A. opposes the prayer of revisionist but he does not disputes over the above submissions.
6. Considering the submissions of learned counsel for the revisionist, learned counsel for the private respondents, learned A.G.A. for the State and going through the contents of revision as well as other relevant documents; it is evident that as the case was listed on 27.01.2022 then on the basis of aforesaid

administrative order, general dates were fixed in all the cases except expedited one as old cases were listed on 23.03.2022. As the counsel for revisionist submits that the date as 23.03.2022 was noted by him, hence, he could not appear on 14.03.2022 on which date the matter was decided.

7. With the above observations, this Court is of the view that the present revision is **allowed** and the order dated 14.03.2022 passed by learned Additional Principal Judge, Family Court, Court No.2, Sitapur is hereby **set aside** with direction to the trial court to decide the case in question expeditiously without giving any adjournment to either of the parties within one month from the date of production of certified copy of this order.

8. Office is directed to communicate this order to the trial court, forthwith.

Order Date :- 19.12.2023

Arpan