

Court No. - 16

Case :- CRIMINAL REVISION DEFECTIVE No. - 436 of 2023

Revisionist :- Shekhar

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

Counsel for Revisionist :- Diwakar Pratap Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

Order on Crl. Misc. Application No.2 of 2023:

Heard Sri Diwakar Pratap Pandey, the learned counsel for the revisionist and Sri S.P. Tiwari, the learned A.G.A. appearing on behalf of the State.

This is a belated revision filed under Section 19 (4) of the Family Court Act against the order dated 24.07.2018 directing the revisionist to pay Rs.3,000/- per month as maintenance to his wife (the opposite party no.2) and Rs.2,000/- per month to the opposite party no.3 (the applicant's minor son). He has also assailed an order issuing non-bailable warrants issued against him consequent to non-payment of maintenance by him and he has been declared to be an absconder.

In the affidavit filed in support of the application for condonation of delay in filing revision it has been stated that the opposite party no.2 and 3 had filed an application under Section 125 Cr.P.C on 17.04.2013. The revisionist has filed his written statement opposing the application and thereafter Rs.3,000/- per month was awarded to the opposite party no.2 and Rs.2,000/- per month was granted to the opposite party no.3 by means of an order dated 24.07.2018. It has been in the affidavit that the revisionist came to know about the order only in the first week of this month.

When the application under Section 125 Cr.P.C. was pending since the year 2013 and it was allowed by means of an order dated 24.07.2018 after a contest made by the applicant by filing an objection/written statement, it cannot be accepted that the applicant had no knowledge of the proceedings. The revisionist has voided the payment of maintenance to his own wife and a minor son for a period of more than five years and he has approached this court after a non-bailable warrant was issued

against him and thereafter he was declared as proclaimed offender under Section 82 Cr.P.C. The aforesaid conduct of the applicant do not give rise to any sufficient cause for condonation of delay in filing the revision before this Court.

Accordingly, the application for condonation of delay in filing the revision is rejected.

Order on memo of revision:

The application for condonation of delay in filing the revision has been rejected. The revision has not been entertained and let the same be consigned to records.

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(Subhash Vidyarthi, J.)

Order Date :- 2.12.2023

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