

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.12 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- JEHANABAD

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1. Arun Mistri S/o Ramanand Mistri Resident of Village-Bhushanchak, P.S.-
Naubatpur, Dist-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi D/o Mahesh Mistri Vill-Dhandhar Bigha, O.P.-Kalpa, P.S. +
District-Jahanabad
3. Nisha Kumari Minor through her Mother Rinku Devi D/o Mahesh Mistri Vill-
Dhandhar Bigha, O.P.-Kalpa. P.S. + District-Jahanabad

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Manoj Kumar

For the State : Mr. Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

JUDGMENT AND ORDER
ORAL

Date: 22-06-2017

I.A. No. 247 of 2017 has been filed by the petitioner, under Section 5 of the Limitation Act, seeking condonation of delay of 03 months and 04 days in preferring the present criminal revision application.

2. Having considered the reasons assigned in the present application seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring the application within time.



3. In view of the above, the delay, in preferring the criminal revision application, is hereby condoned.

4. I.A. No. 247 of 2017 stands disposed of.

5. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

6. The petitioner is aggrieved by the judgment and order, dated 14.06.2016, passed in Misc. Case No. 34 of 2015, by learned Principal Judge, Family Court, Jehanabad, whereby he has directed the petitioner to pay a sum of Rs. 4,000/-, as maintenance allowance, to Opposite Party Nos. 2 and 3, who are wife and daughter respectively of the petitioner.

7. The plea, which has been taken in the present criminal revision application, assailing the impugned judgment and order, is that the impugned judgment and order has been passed ex-parte without ensuring that the notice of application was served on the petitioner. It is the case of the petitioner that the petitioner was never served notice of the application, filed by private opposite parties under Section 125 of the Code of Criminal Procedure, 1973.

8. In my view, the remedy of the petitioner lies under Section 126 of the Code of Criminal Procedure, 1973, since he has a grievance that the impugned judgment and order has been passed without giving the petitioner any notice.



9. This application stand disposed of with the observation as above.

10. It goes without saying that if any application is filed by the petitioner under Section 126 of the Code of Criminal Procedure, 1973, within a period of one month from today, while considering the question of limitation, the learned Court below shall keep in mind that the petitioner was pursuing his remedy before this court by filing the present criminal revision application.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.06.2017
Transmission Date	28.06.2017

