

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.251 of 2017

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Md. Mustaque, Son of Md. Yusuf, Resident of Village- Chikni Tola, P.S.-
Piar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manjari Begum, Wife of Mustaque, Daughter of Ainul Haque.
3. Gulnaz Begum, Daughter of Md. Mustaque
4. Gulam Mustafa
5. Gulam Jilani, Both Sons of Md. Mustaque,
All Resident of Village- Simra, Chikni Tola, P.S.- Piar, District-
Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate
For the Respondent/s : Sri Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 17-07-2017 This criminal revision application has been filed for assailing the order dated 20th June 2015 passed by the Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 147 of 2008, whereby he has directed the petitioner to pay the maintenance allowance under section 125 of the Criminal Procedure Code.

A plea has been taken on behalf of the petitioner that he did not wilfully neglect to attend the Court and because of unavoidable circumstances, he failed to appear before the Court leading passing of impugned *ex parte* order.

Learned counsel for the petitioner seeks permission



to withdraw this application with a liberty to invoke proviso to sub-section 2 of section 126 of the Criminal Procedure Code for setting aside the order, as according to him, he can show good cause before the Court below, because of which he could not attend the Court and file show cause.

Without making any observation on the plea of the petitioner that he has good cause for remaining absent from the proceeding of the Court below, this application is permitted to be withdrawn with the liberty as sought for.

This application stands dismissed as withdrawn.

(Chakradhari Sharan Singh, J)

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