

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.392 of 2016

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1. Abdul Wahab @ Bhultan Son of late Munsai Ainuddin Resident of village - Mirzatpur, (Chowki Dhapersia), P.O. Chowki, P.S. Kadwa, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Najo Khatoon Wife of Abdul Wahab @ Bultan Resident of village - Mirzatpur, (Chowki Dhapersia), P.O. Chowki, P.S. Kadwa, District - Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naushad Akhtar

For the Respondent/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 13-04-2017 The case is listed at the top of the list as per the slip filed on behalf of the petitioner. There is no representation on behalf of the petitioner. In such circumstance, this application is being disposed of on perusal of the material on record and grounds taken in cr. revision application.

The petitioner is aggrieved by an order dated 12.12.2014 in Misc. Case No. 48 of 2011 passed by the learned Principal Judge, Family Court, Katihar, rejecting an application filed under Section 126(2) of the Code of Criminal Procedure, 1973 (hereinafter referred to 'Cr.P.C.'), whereby, the application of the petitioner for setting aside an *ex parte* order under Section 125 of the Cr.P.C. has been rejected, as time barred.



I have perused the impugned order and noticed that the court below has not dismissed the petitioner's application only on the ground of it being time barred. Learned court below has gone into the merit of the case and has observed that the petitioner (husband) approached the court only to deny the benefit of the order passed in favour of opposite party no. 2 in Maintenance Case No. 53/2006.

In my view, this revision application is meritless and, accordingly, stands dismissed.

(Chakradhari Sharan Singh, J.)

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