

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.716 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Muzaffarpur

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Md. Alamgir Son of Late Haji Mohammed Mainul @ Mainul Haque Resident of Village- Attaullahpur, P.O. and P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Najima Khatoon Wife of Md. Alamgir Resident of Village- Attaullahpur, P.O. and P.S.- Lalganj, District- Vaishali, at present residing with her father Md. Usman, resident of Jahangirpur @ Panachapra, P.S.- Motipur, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the State : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 29-11-2022 No one appears for the petitioner.

This case has been listed under the heading ‘For Orders (On Petition)’ on I.A. No.1 of 2019.

By filing this application, the petitioner is seeking condonation of delay of 103 days in filing of the revision application. According to petitioner, the limitation expired on 04.02.2019 but the revision application has been preferred on or about 28.05.2019.

This Court has perused the application seeking condonation of delay. The petitioner admits in paragraph ‘3’ of his application that his lawyer had communicated him about the order dated 29.10.2018. No reason has been shown *prima-facie*



as to why the revision application could not be preferred within time. To satisfy this Court, a statement has been made on behalf of the petitioner that he is an old and poor person and has small income through his landed property and it took time in arranging the money for pursuing a fresh case before this Court.

This Court finds from the records that the petitioner is 56 years old as per his own statement and the learned Principal Judge, Family Court, Muzaffarpur has recorded a finding on the basis of the evidences adduced by the parties that in the learned court below the petitioner failed to appear for his cross-examination wherein his stand with respect to his source of income could have been tested. The applicant-wife has adduced evidences to the effect that her husband is the owner of two shops one Anokha Vastralaya and second Anokha Shringar Stores at Lalganj and he also owns a pucca house and four wheeler. The learned Principal Judge has awarded only a meagre sum of Rs.3000/- per month as maintenance to the applicant-wife who is fighting for her maintenance since the year 2012.

On the face of the materials present on the record, the statements made in the limitation petition seeking condonation of delay would not inspire confidence of this Court.



The interlocutory application is, therefore, dismissed.
As a result of this, the revision application cannot continue. It is
also dismissed.

(Rajeev Ranjan Prasad, J)

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