



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 104 OF 2024

JIVAN BHIMRAO PUNDAGE
VERSUS
VIJAYMALA JIVAN PUNDAGE

...
Advocate for Applicant : Mr. Arun S. Shejwal
...

CORAM : S. G. MEHARE, J.

DATE : 07-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant.
2. The applicant has impugned *ex parte* order passed under Section 125 of the Code of Criminal Procedure (for short, "Cr.P.C.").
3. The learned counsel for the applicant submits that no notice of proceeding was served. Hence, the applicant did not appear. Whether the notice was duly served or not, is a matter of fact. For such fact, a remedy has been provided in proviso to Section 126(2) of the Cr.P.C. Hence, the learned counsel for the applicant seeks leave to withdraw the application with liberty to file an application as per the said provision.
4. In view of the above, leave granted to withdraw the criminal revision application.
5. The criminal revision application stands dismissed as withdrawn at the admission stage.

(S. G. MEHARE, J.)