

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.142 of 2024

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

Imran Mian @ Imran Alam Son of Md. Hasmuddin Mian R/o Village-
Amwa Tola, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaj Begum Wife of Imran Mian, D/o Dukhi Mian Permanent R/o
Village- Madhuwaha, Amwa Tola, P.S.- Nautan, District- West Champaran
at present R/o Village- Bagahi Baghampur Ward No.4, P.S.- Srinagar
(Pujahan), District- West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Nirmal Kumar Sinha, Advocate
For the O.P. No.2	:	Mr. Brij Kishor Mishra, Advocate
		Mr. Avinash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 17-04-2025 The instant criminal revision is directed against an ex-

parte order of maintenance under Section 125 of the Cr.P.C.

passed in Maintenance Case No.162 of 2021 by the learned

Principal Judge, Family Court, West Champaran, Bettiah on

10.02.2023.

2. It is submitted by the learned Advocate for the

petitioner that the impugned ex-parte order was passed without

serving any notice to the petitioner herein.

3. In paragraph No.3 of the impugned order, the

learned Principal Judge, Family Court, West Champaran,

Bettiah observed as hereunder:-



“Notice was issued to O.P. through Nazarat in ordinary course as well as through registered post even though O.P. did not put his appearance in this case to protect his interest, hence, ex-parte proceeding initiated in this case vide order dated 19.09.2022”

4. Thus, it appears from paragraph No.3 of the impugned order that Trial Court observed that the notice of the proceeding under Section 125 of the Cr.P.C. was issued. However, there is no observation as to whether the notice was received by the opposite party/petitioner herein or not.

5. In view of such circumstances, the impugned order is set aside. The Maintenance Case No.162 of 2021 be remitted back to the Court of the learned Principal Judge, Family Court, West Champaran, Bettiah with a direction to give opportunity to the petitioner herein to contest the above-mentioned maintenance case.

6. Since, the opposite party/petitioner herein has already entered appearance in the instant revision, he is directed to appear before the Trial Court within 15 days from the date of this order.

7. The parties are at liberty to communicate this order to the learned Principal Judge, Family Court, West Champaran,



Bettiah obtaining server copy of the same.

8. The learned Principal Judge, Family Court, West Champaran, Bettiah is directed to dispose of the application under Section 125 of the Cr.P.C. expeditiously and preferably within a period of six months from the date of communication of this order.

9. With the above order, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

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