

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.255 of 2023

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

Raju Kumar @ Raju Rai S/O- Yogendra Prasad Village Sakaddi, Po- Sakaddi,
P S Koilawar, Distrcit Ara, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumar @ Babi wife of Raju Kumar @ Raju Rai Mohalla- Bangali Tola, Ps- Jakkanpur Dist- Patna
3. Aashu Kumar son of Raju Kumar @ Raju Rai Mohalla- Bangali Tola Ps- Jakkanpur Dist- Patna
4. Aakash Kumar son of Raju Kumar @ Raju Rai Mohalla- Bangali Tola Ps- Jakkanpur Dist- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Adv., Mr. Abhijeet Gautam, Adv.
For the State	:	Mr. Bharat Lal, APP
For O.P. 2 to 4	:	Mr. Kumar Ravish, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 23-04-2025 The instant criminal revision has been filed invoking under Section 19 (4) of the Family Court Act, praying for setting aside of an ex-parte order of maintenance dated 6th August, 2022, passed by the learned Principal Judge, Family Court, Patna in Maintenance Case No. 114(M) of 2020.

2. Proviso to Section 126(2) of the Cr.P.C. states that an ex-parte order may be set aside for good cause shown or an application made within three months from the date thereof, subject to such terms including terms as to payment of cost to the opposite party as the Magistrate may think just and proper.



3. Therefore, the learned Magistrate is empowered exclusively to set aside an ex-parte order for non-service of notice or any other ground. When there is an efficacious remedy available in the Cr.P.C., under Section 126(2) of the Cr.P.C., this Court finds that the instant revision is not maintainable.

4. Accordingly, the instant criminal revision is dismissed.

5. However, the petitioner is at liberty to take appropriate steps before the learned Principal Judge, Family Court, Patna and if such application is filed, the learned Principal Judge, Family Court, Patna shall dispose of the same in accordance with law.

(Bibek Chaudhuri, J)

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