

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.670 of 2022

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

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Md. Jawed Hussain @ Md. Jawed @ Md. Jabij @ Chand, Son of Umar
Miyani @ Umar Shaha, Resident of Village - Gaura, P.S.- Laxmipur, District -
Jamui.

... .. Petitioner

Versus

1. The State of Bihar
2. Afrin Praveen, Wife of Md. Jawed Hussain @ Md. Jawed @ Md. Jabij @
Chand, Resident of Mohalla - Bichli Gali, Chewada, P.O. and P.S.-
Chewada, District - Sheikhpura.

... .. Respondent

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Appearance :

For the Petitioner	:	Mr. Achal Kumar Sinha, Advocate
For the State	:	Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2025 The present Criminal Revision Petition has been preferred by the Petitioner against the *ex parte* order dated 16.04.2022, whereby the Petitioner, Md. Jawed Hussain has been directed to pay Rs.7,000/- per month to his wife, Afrin Praveen towards her maintenance.

2. However, learned counsel for the Petitioner admits that the petitioner herein has not filed appropriate application before learned Family Court for setting aside the *ex parte* order and he has right away filed the present Revision Petition.

3. After some arguments, learned counsel for the petitioner is seeking permission to withdraw the present petition with liberty to file an application under Section 126 (2) Cr.PC



for setting aside the *ex parte* order.

4. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to file appropriate application under Section 126(2) Cr.PC before the Family Court and the time consumed by the petitioner in prosecuting the present case in a wrong forum will be considered at the time of filing any such application by the petitioner before the Family Court under Section 14 of the Limitation Act.

5. If the impugned order is set aside by learned Family Court, learned Family Court should also consider grant of interim maintenance to the Respondent herein, Afrin Praveen during pendency of the proceeding.

6. The present petition is disposed of, accordingly.

(Jitendra Kumar, J.)

Chandan/-

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