

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.696 of 2024

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

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Zainul Abedin son of Late Abdul Rub Resident of Village -Ranga Bigha PO-
Manika PS- Madanpur District -Aurangabad Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon Wife of Zainul Abedin and Daughter of Md. Sharif
Resident of Village -Ranga Bigha PO- Manika PS- Madanpur District
-Aurangabad Bihar Presently Residing At Village- Jogri, Po- Khiryawan, Ps-
Salaya, Dist- Aurangabad
3. Ehsan Raza son of Zainul Abedin And Shabana Khatoon Resident of Village
-Ranga Bigha PO- Manika PS- Madanpur District -Aurangabad Bihar
Presently Residing At Village- Jogri, Po- Khiryawan, Ps- Salaya, Dist-
Aurangabad
4. Zainub Fatma Daughter of Zainul Abedin and Shabana Khatoon Resident of
Village -Ranga Bigha PO- Manika PS- Madanpur District -Aurangabad
Bihar Presently Residing At Village- Jogri, Po- Khiryawan, Ps- Salaya, Dist-
Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Adv.
For the Respondent/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-07-2025

I.A. No. 01 of 2024

This is an application under Section 5 of the
Limitation Act filed by the petitioner, praying for condonation
of delay of 67 days in filing the instant criminal revision.

2. I have heard the learned Advocate for the petitioner
and perused the instant revision.

3. It is submitted by the learned Advocate on behalf of
the petitioner that the petitioner did not receive any notice of the



maintenance proceeding from the trial court. He came to know about the impugned order only when he received a copy of the Judgment from the Lawyer of the opposite party no. 2, on 20th July, 2024, through registered post.

4. Therefore, this Court is of the view that the petitioner has sufficiently explained the cause of delay in filing the instant criminal revision.

5. Accordingly, the delay is condoned.

6. Application under Section 5 of the Limitation Act is allowed.

7. The instant revision is taken to file.

8. It appears from the record that the instant criminal revision is filed against an ex-parte order of maintenance. Section 126 of the Cr.P.C. is absolutely clear that upon sufficient cause being shown, the trial court shall vacate the ex-parte order of maintenance and give liberty to the petitioner for hearing.

9. Therefore, this Court finds that in view of the provision contained in Section 126 of the Cr.P.C., the instant criminal revision is not maintainable.

10. Accordingly, the instant criminal revision is dismissed.

11. However, the petitioner is at liberty to file an



application for vacating the ex-parte order along with an application under Section 5 of the Limitation Act.

12. If such application is filed, the learned Principal Judge, Family Court at Aurangabad shall disposed of the said petition in accordance with law.

(Bibek Chaudhuri, J)

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