

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.953 of 2024

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

Kameshwar Paswan Son of Late Dev Lal Paswan Resident of Village- Kubri,
P.S.- karpi, Distt.- Arwal, At present NM-285, Amlori Cilony, P.S. and
District- Singrauli

... .. Petitioner/s

Versus

1. Nagmani Devi Wife of Kameshwar Paswan, D/O- Birju Paswan R/O-
Village-Mahuad, P.S.-Haspura, District - Aurangabad at present R/O-
Village- Kubri, P.O.- Usri, P.S.- Karpi, Distt.- Arval (Bihar)
2. Krishna Kumar Minor Son of under the Guardianship of his natural mother
Nagmani Devi R/O-Village-Mahuad, P.S.-Haspura, District - Aurangabad at
present R/O- Village- Kubri, P.O.- Usri, P.S.- Karpi, Distt.- Arval (Bihar)
3. Karan Kumar Minor Son under the guardisnship of her natural mother
Nagmani Devi R/O-Village-Mahuad, P.S.-Haspura, District - Aurangabad at
present R/O- Village- Kubri, P.O.- Usri, P.S.- Karpi, Distt.- Arval (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 31-07-2025 This is an application under Section 5 of the

Limitation Act filed by the petitioner praying for condonation of

delay by 66 days.

2. I have heard the learned Advocate for the petitioner,
perused the petition. In my opinion, sufficient cause has been
shown for the delay caused by the petitioner, which is required
to be condoned.

3. Accordingly, the application under Section 5 of the
Limitation Act is allowed.



4. Delay in filing the instant revision is condoned.

5. The revisional application is taken up for hearing on the point of admission.

6. It appears from the record that the application for maintenance, which was registered in the trial court as Maintenance Case No. 04 of 2017 was disposed of against the petitioner ex-parte.

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

8. Therefore, there is efficacious relief under Section 126 of the Cr.P.C. for redressal of the grievance of the petitioner.

9. Accordingly, the instant revision is not maintainable.

10. The instant revision is dismissed with liberty to the petitioner to file appropriate application in the trial court for setting aside ex-parte order along with an application under Section 5 of the Limitation Act.

11. On filing such application, the trial court shall



dispose of the same in accordance with law without being swayed over any observation made by this Court in the instant order.

(Bibek Chaudhuri, J)

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