

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.790 of 2023

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

Md. Rabbani Ansari @ Rabbani Ansari Son Of Mahmood Ansari Resident Of
Village- Koahi, P.S.- Runni Saidpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saleema Khatoon D/O Of Md. Sadeek Ansari Resident Of Village-
Salempur, P.S.- Rajepur, District- East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Adv.
For the Respondent/s	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

4 26-06-2025

I.A. No. 01 of 2024

This is an application under Section 5 of the Limitation Act filed by the husband/petitioner on 19th October, 2023, praying for condonation of delay in filing the revisional application against an order, which was passed in Maintenance Case No. 55 of 2017, by the learned Principal Judge, Family Court, East Champaran, Motihari, on 30th May, 2018. Thus, it is clear that the petitioner has filed the instant criminal revision after an inordinate delay of 05 years and 05 months.

2. It is submitted by the learned Advocate on behalf



of the petitioner that according to the petitioner, there is no delay in filing the instant criminal revision because he got the knowledge of the impugned order only on 15th October, 2023 when Police went to his house to execute distress warrant. Prior to that he had no knowledge about the institution of the case because of the fact that he already divorced his wife by executing a talaknama on 26th October, 2015 i.e. almost 03 years prior to the institution of the case, under Section 125 of the Cr.P.C.

3. I have perused the impugned order passed by the learned Principal Judge, Family Court, East Champaran, Motihari. In paragraph-3 of the Judgment, the learned trial judge clearly recorded that after filing of the case, the petitioner/wife has not noticed to the opposite party, but the opposite party did not appear to contest the case. This observation goes counter with the statement made by the petitioner that he did not receive any summon.

4. Considering such aspect of the matter, I am not inclined to condone such inordinate delay in filing the instant criminal revision.

5. The application filed under Section 5 of the Limitation Act is dismissed.



6. With the dismissal of the application under Section 5 of the Limitation act, the instant criminal revision filed by the petitioner/husband is also dismissed on the ground of limitation.

(Bibek Chaudhuri, J)

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