

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.8 of 2024

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

Pradeep Kumar Rai Son Of Late Sita Ram Rai village Bishunpur Kalayan P S
Sahebganj, Muzaffarpur

... .. Petitioner/s

Versus

Reema Kumari @ Reema Devi Daughter Of Prabhu Prasad Village Khokhra P
S Kalyanpur, East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Respondent/s : Mr. Dharmendra Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

9 21-04-2025 The petitioner has approached this Court under

Section 19(4) of the Family Court Act, praying for setting aside
of an ex-parte Judgment dated 12th February, 2021, passed in
Maintenance Case No. 273 of 2018, by the Principal Judge,
Family Court at Muzaffarpur.

2. It appears from the record that the revisional
application was filed on 4th January, 2024 i.e. after the expiry of
800 days.

3. The said application for condonation of delay,
under Section 5 of the Limitation Act, registered as I.A. No. 1 of
2024 is taken up for hearing.

4. It is submitted by the petitioner in paragraph-4 of
the application that he moved earlier against an ex-parte



Judgment dated 12th February, 2021, passed in Maintenance Case No. 273 of 2018, under Section 482 of the Cr.P.C., the said proceeding was registered as Cr. Misc. No. 64694 of 2021.

5. It is submitted by the learned Advocate on behalf of the petitioner that under the instruction of the petitioner, the said Criminal Misc. Case under Section 482 of the Cr.P.C. was withdrawn on 18th January, 2024, after filing of the instant criminal revision on 4th January, 2024.

6. A copy of the order dated 18th January, 2024, passed in Cr. Misc. No. 64694 of 2021, is obtained from the server of this Court and kept with the record.

7. It is submitted by the learned Advocate on behalf of the petitioner that as he was proceeding with the said Criminal Miscellaneous case diligently in a wrong Forum, the period ought to be condoned under the provision of Limitation Act.

8. Considering the submission made by the learned Advocate for the petitioner and on perusal of the impugned Judgment dated 18th January, 2024, passed in Cr. Miscellaneous No. 64694 of 2021, I am inclined to condone the delay.

9. Now the Criminal Revision No. 8 of 2024 is taken up for hearing.

10. The petitioner has approached this Court for



setting aside of an order passed ex-parte by the trial court. Proviso to Section 126 (2) of the Cr.P.C. clearly states that an ex-pare order may be set aside by the trial court itself 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 parties as the Magistrate may think just and proper.

11. In view of specific efficacious relief being provided in Section 126 (2) of the Cr.P.C., I am not inclined to admit the instant criminal revision for hearing.

12. On this ground, the instant criminal revision is dismissed.

(Bibek Chaudhuri, J)

pravinkumar/-

U		T	
---	--	---	--

