

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.991 of 2025

Sanjoy Yadav alias Sanjay Yadav, S/o- Late Chota Baleshwar Yadav alias Kailu Yadav, Resident of Village- Sangrampur, P.O.- Sangrampur, P.S.- Chanan, District- Lakhisarai, currently residing at- N.H.S- 25/186, Jhanjra Kaloni, Jhanjra, P.O- Jhanjhra, District- Bardhaman, West Bengal-713363.

... .. Appellant/s

Versus

Most. Ratni Devi, W/o- Late Chota Baleshwar Yadav alias Kailu Yadav, Resident of Village- Sangrampur, P.O.- Sangrampur, P.S.- Chanan, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH)

2 17-03-2026 1. The instant Miscellaneous Application under Section 19(1) of the Family Court's Act 1984 has been preferred by the appellant (son) against the order dated 17.10.2024, whereby application under Section 125 of the Cr.P.C. of respondent (mother) has been allowed.

2. On the matter being taken up, at the outset, learned counsel for the appellant submits that the Full Bench of this Court in the case of *Dr. Dilip Kumar Sharma @ Dilip Sharma Vs. The State of Bihar and Ors. [2024 SCC OnLine Pat 8236 : 2025 (1) BLJ 1]* has held that the order passed under Section 125 of the Cr. P.C. is not an 'interlocutory order', but an



‘intermediate / *quasi* final order’, hence remedy of criminal revision would be available *qua* both the interim and final order under Section 125 to 128 of the Cr. P.C.

3. He further submits that in the light of the aforesaid Full Bench judgment, the appellant does not want to press this Miscellaneous Appeal, therefore he may be allowed to withdraw this Miscellaneous Appeal with liberty to file criminal revision against the order dated 17.10.2024.

4. In view of the above, the instant Miscellaneous Appeal is dismissed as withdrawn with liberty to the appellant to file criminal revision.

5. Office is directed to return the *Vakalatnama* and certified copy of impugned order dated 17.10.2024 to the learned counsel for the appellant within three days after retaining the xerox copy of the same on record.

(Sanjay Kumar Singh , J)

(Sourendra Pandey, J)

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