2026:AHC:210740

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 1920 of 2026

Pervez Alam

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Santosh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

Crl. Misc. Delay Condonation Application

1. Learned counsel for the revisionist submits that he has preferred the instant criminal revision along with the delay condonation application as there is delay of 198 days and with the relief which has been mentioned in the prayer clause of the revision.

2. The relief which has been mentioned in the revision is delineated below:-

> *"It is most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this revision and set aside the impugned judgment and order dated 02.12.2025 passed by learned Principal Judge, Family Court, Sambhal at Chandausi in Case No. 880 of 2024, (Smt. Ilma vs. Pervez Alam), under section 144 of B.N.S.S. 2023, Police Station Chandausi, District Sambhal. -*
>
> *It is further prayed that this Hon'ble Court may be pleased to stay the effect and operation of the impugned judgment and order dated 02.12.2025 passed by learned Principal Judge, Family Court, Sambhal at Chandausi in Case No. 880 of 2024, (Smt. Ilma vs. Pervez Alam), under section 144 of B.N.S.S. 2023, Police Station District Sambhal and or pass such other order which this Hon'ble Court may deem fit and proper under the circumstances of the case. -Chandausi,"*

3. Learned counsel for the revisionist submits that the impugned order was passed on 02.12.2025, whereby the revisionist has been directed to pay a sum of Rs. 7,000/- per month as maintenance to his wife-opposite party No. 2. Learned counsel for the revisionist further submits that the financial condition of the revisionist is not sound.

4. The reasons stated in paragraphs Nos. 3 to 10 of the affidavit filed in support of the delay condonation application for the delay in filing the present revision are found to be insufficient to condone the delay. The said paragraphs of the affidavit are delineated below for ready reference:

> *"3. That due to miscalculation of the limitation by the counsel of the revisionist the aforesaid criminal revision was produced before the reporting section and after reporting it comes the aforesaid appeal is 167 days delay.*
>
> *4. That after coming to know about the filing of delay condonation application is necessary in the aforesaid criminal revision, the counsel informed to the deponent and when the deponent came thereafter the deponent made signature on the affidavit and after swearing it is being filed.*
>
> *5. That the revisionist is belongs to the poor family. He is a simple man who lives in the village and performs Imamat in the mosque and is paid a salary of Rs.4,500/- per month by the manager of the mosque and has no other means. The revisionist anyhow managed the counsel fee for filing the present criminal revision but due to holidays of Holi festival the revisionist could not be come at Allahabad and contact to his counsel at that time.*
>
> *6. That the deponent was come at Allahabad High Court and contacted to his counsel Mr. Santosh Kumar Pandey, advocate, High Court during summer vacation and get photo verification from photo identification center on 10.06.2026.*
>
> *7. That in the meantime the father of revisionist, who is pairvi in this case on behalf of revisionist, was suffering from viral fever for which he is getting bed rest on doctor's advice. Due to which the deponent could not*

come at Allahabad after opening the court in regular way.

8. That it is further submitted here that the residential area of the revisionist has affected from the flood in the month of July and August 2026.

9. That thereafter the revisionist contacted with his counsel namely Sri Santosh Kumar Pandey, advocate, High Court, Allahabad in the first week of Sept 2026, thereafter, the present criminal revision is being filed.

10. That there is no deliberate delay in filing of the present criminal revision before this Hon'ble Court and the delay caused in filing of the present criminal revision is not under the control of appellant hence the delay may be condoned by this Hon'ble Court and it may be treated the present criminal revision is being filed within time."

5. Accordingly, the delay condonation application is dismissed.

6. As the delay condonation application has been dismissed, the instant revision is also dismissed being barred by limitation.

7. The concerned trial court is directed to execute the order, if any, in accordance with law.

(Praveen Kumar Giri,J.)

October 8, 2026
K.Tiwari

Digitally signed by :-
KRISHNA KANT TIWARI
High Court of Judicature at Allahabad