2026:AHC:211661

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL REVISION DEFECTIVE No. - 2039 of 2026

Virendra

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Revisionist(s) | : | Suneel Kumar Yadav |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 83**

**HON'BLE PRAVEEN KUMAR GIRI, J.**

1. Heard Sri Suneel Kumar Yadav, learned counsel for the revisionist and Sri Shashidhar Pandey, learned A.G.A. for the State.

2. Learned counsel for the revisionist submits that the instant criminal revision has been preferred with the relief which has been mentioned in the prayer clause along with delay condonation application as there is delay of 653 days in filing the revision. The relief mentioned in the prayer clause of the revision is delineated below:-

> *"It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to admit & allow the present Criminal Revision and set aside the order dated 17.09.2024, passed by Principal Judge Family Court Mau in case No. 655 of 2021 in under section 125 Cr.P.C. (Ranjna Devi and others Vs. Virendra) Police Station Mohammdabad, Gohana, District Mau. Otherwise the revisionist shall suffer irreparable loss and injury.*
>
> *And/Or- pass such other and further orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

3. Learned counsel for the revisionist submits that vide ex parte order dated 17.09.2024, the Principal Judge, Family Court, Mau, it has allowed the application under Section 125 Cr.P.C. and has directed the revisionist to pay Rs.2,000/- per month to the wife/opposite party no.2 and Rs.1000/- per month each to minor children/opposite party nos.3 and 4 from the date of application i.e. 22.10.2021. He further submits that he does not want to press this revision, at this stage, as remedy is available for the revisionist

to file an application under Section 126(2) Cr.P.C. Proviso/145(2) BNSS Proviso.

4. Learned A.G.A. submits that this Court in **Criminal Revision Defective No.141 of 2026 (Anup Kumar Vs. Smt. Pratibha Kushwaha and others)** and in **Criminal Revision No.2099 of 206 (Abhishek Gond vs. State of U.P. and others)** has held that against an ex parte order passed in an application under Section 125 Cr.P.C./144 BNSS, the remedy available to the revisionist is to move an application under Section 126(2) Cr.P.C. Proviso/145(2) BNSS Proviso.

5. In view of above submission of learned counsel for the revisionist and also in view of the fact that the reason shown for delay of 653 days in filing the revision in the supporting affidavit is not found sufficient, the delay condonation application stands **dismissed**, and accordingly, this revision is **dismissed** being barred by limitation as well as on the ground of alternative remedy. However, it is open for the revisionist to avail appropriate remedy in accordance with law, if he is so advised.

**(Praveen Kumar Giri,J.)**

**October 8, 2026**
Manish Himwan

Digitally signed by :-
MANISH HIMWAN
High Court of Judicature at Allahabad