

(2014) 05 JH CK 0025

In the Jharkhand High Court

Case No : Cr. Rev. No. 207 of 2014 and I.A. No. 1576 of 2014

Jai Prakash Bhagat

APPELLANT

Vs

The State of Jharkhand, Soni Devi and Amardeep

RESPONDENT

Date of Decision : 16-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125, 126

Citation : (2014) 05 JH CK 0025

Hon'ble Judges : Harish Chandra Mishra, J

Bench : Single Bench

Advocate : Naresh Pd. Thakur, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Harish Chandra Mishra, J.—Heard learned counsel for the petitioner on the revision application as well as on the Interlocutory Application filed for condonation of delay of 169 days in filing the revision application.

2. The petitioner is aggrieved by the order dated 19.06.2013 passed by the learned Principal Judge, Family Court, Bokaro, in M.P. Case No. 147 of 2012, whereby in an ex-parte proceeding u/s 125 of the Cr.P.C., the petitioner has been directed to make the payment of Rs. 8,000/- per month in all, for maintenance of the opposite parties, who are the deserted wife of the petitioner and their son, living with his mother.

3. There is delay of 169 days in filing the revision application and it is only stated in the Interlocutory Application for condonation of delay, that the revision could not be filed within time due to paucity of money for the expenses.

4. From the impugned order it appears that the notice issued by the Court below was refused to be accepted by the petitioner and accordingly, the case was fixed for ex-parte proceeding. It also appears that on the basis of the evidence produced by the opposite parties the order for maintenance has been passed against the petitioner in the ex-parte proceeding.

5. In the facts of the case, I am not inclined to interfere with the impugned order passed by the Court below, after condoning the undue delay.
6. The petitioner is at liberty to move the Court below u/s 126 of the Cr.P.C., for setting aside the ex-party order, if he has good case for the same, and if any application is filed by the petitioner, the same shall be adjudicated by the Court below on its own merits and in accordance with law.
7. This revision application as well as Interlocutory Application stand dismissed with the observation as above.