

(2020) 12 UK CK 0028

In the Uttarakhand High Court

Case No : Delay Condonation Application No. 1304 Of 2013 In Criminal Revision
No. 235 Of 2013

Pramila Devi

APPELLANT

Vs

Shyam Singh

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 127(3)

Citation : (2020) 12 UK CK 0028

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Raj Kumar Singh, Lokendra Dobhal

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

1. There is 09 daysâ?? delay in filing the present criminal revision, which is not seriously opposed by learned counsel for the respondent.

Consequently, delay condonation application is allowed and the delay in filing the criminal revision is condoned.

2. Admit.

3. This criminal revision has been preferred by the revisionist to set-aside the impugned judgment and order dated 24.05.2013 to the extent of granting

meager maintenance to revisionist and further to enhance the maintenance amount.

4. During the course of hearing, learned counsel for the revisionist as well as learned counsel for the respondent confined their prayer only to the

extent that the matter may kindly be remanded back to the lower Court with a direction that the Court below may give a fresh opportunity of being

heard to the revisionist as well as to the respondent. It is also prayed that since the matter relates to the year 2006, the facts and circumstances of the case are changed, therefore, liberty may be granted to them to move an application under Section 127(3) Cr.P.C. before the trial Court and the trial Court may consider the same and pass afresh orders.

5. Considering the submissions advanced by the learned counsel for the parties, the present criminal revision is disposed of with the following directions:-

(i) The matter is remanded back to the learned Court below to decide the aforesaid case, as expeditiously as possible, in accordance with law.

(ii) Fresh opportunity of being heard shall be given by the lower Court to the revisionist as well as to respondent.

(iii) Learned counsel for the parties will be at liberty to move an application under Section 127 (3) Cr.P.C. before the trial Court and the trial Court

shall consider the same and pass afresh order, in accordance with law. Needless to say, that this order shall not affect the merits of the case before the Court below.

(iv) The learned Court below is also directed not to grant any unnecessary adjournments to either of the parties.

6. Let a copy of this judgment be sent to the Court concerned for compliance.