2026:AHC:212839

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL REVISION DEFECTIVE No. - 1935 of 2026**

Sher Khan

.....Revisionist(s)

Versus

State Of U.P. And 5 Others

.....Opposite Party(s)

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|---|---|---|
| Counsel for Revisionist(s) | : | Ashutosh Gupta, Mohammad Areeb, Mohd. Faizan Ali |
| Counsel for Opposite Party(s) | : | G.A. |

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**Court No. - 83**

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

1. Heard Sri Mohd. Faizan Ali, learned counsel for the revisionist and Sri Pankaj Kumar, 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 602 days in filing the present 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 graciously be pleased to allow this application and set aside the ex-parte Judgment and order dated 28.10.2024 passed by Additional Principal Judge, Family Court No.2, Muzaffar Nagar in Case No. 1159 of 2023 Smt. Aneesa & others vs. Sher Khan, under section 125 Cr.P.C., police station-Mansoorpur, District-Muzaffar Nagar, so that justice may be done; otherwise the revisionist shall suffer irreparable loss and injury. And / or pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."*

3. Learned counsel for the revisionist submits that vide ex parte order dated 28.10.2024, the Additional Principal Judge, Family Court No.2, Muzaffar Nagar 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 four minor

children (i.e. total Rs.6000/- per month) from the date of application i.e. 21.08.2023. He further submits that the revisionist has already filed recall application under Section 126(2) Cr.P.C./145(2) BNSS before the trial court, which is pending consideration.

4. Learned A.G.A. assists the Court and 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 602 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.

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

**October 9, 2026**
Manish Himwan

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