2026:AHC:212927

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6339 of 2026

Sekh Sarwar Alam

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Gaurav Tiwari, Sanjay Chaturvedi, Santosh Kumar Tripathi

Counsel for Opposite Party(s) : G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Gaurav Tiwari, 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. 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 set aside the impugned judgment and order dated 02.09.2026 passed by the Principal Judge, Family Court, Chandauli in Maintenance Petition No. 461 of 2023 (Smt. Sahida Parveen Vs. Sekh Sarwar Alam) under section 125 Cr.P.C. Police Station -Chakiya, District Chandauli.*
>
> *It is further prayed to stay the effect, operation and execution of the impugned judgment and order dated 02.09.2026 passed by the Principal Judge Family Court, Chandauli in Maintenance Petition No. 461 of 2023 (Smt. Sahida Parveen Vs. Sekh Sarwar Alam) under section 125 Cr.P.C. Police Station -Chakiya, District Chandauli and any recovery proceedings pursuant to the impugned order if any, during the pendency of the present Revision, otherwise the applicant/revisionist shall suffer irreparable loss and injury."*

3. Learned counsel for the revisionist submits that vide ex parte order dated 02.09.2026, the Principal Judge, Family Court, Chandauli has allowed the application under Section 125 Cr.P.C. and has directed the revisionist to pay Rs.20,000/- per month to the wife/opposite party no.2 from the date of application.

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./145(2) BNSS.

5. At this juncture, learned counsel for the revisionist submits that he does not want to press this revision as remedy is available for the revisionist to file an application under Section 126(2) Cr.P.C./145(2) BNSS for recalling the ex parte order.

6. In view of above submission of learned counsel for the revisionist, the revision is **disposed of.** 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 9, 2026
Manish Himwan

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