

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 925 of 2022

Nitai Chandra Adhikari

... .. Petitioner

Versus

1. The State of Jharkhand

2. Usha Adhikari

... .. Opposite Parties

CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Petitioner

: Mr. Atul Kumar, Advocate

For the State

: Mr. Ruby Pandey, A.P.P.

Order No. 05 / Dated: 10th May, 2023

I.A. No. 10320 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner has submitted that one Interlocutory Application being I.A. No. 10320 of 2022 has been filed on behalf of the petitioner for condoning the delay of 121 days in filing this instant Criminal Revision, which has been preferred against the order dated 11th January, 2022, passed by the Court of learned Principal Judge, Family Court, Chaibasa in Maintenance Alteration Case No. 04 of 2018, filed under Section 127 of the Cr.P.C. whereby and where under the learned Principal Judge, Family Court, Chaibasa has allowed the application filed under Section 127 of the Cr.P.C. and directed the petitioner to pay Monthly Maintenance Allowance to opposite party No. 2 @ Rs.12,000/- per month, as Maintenance enhancement from Rs.5,000/- per month, which was being paid by the petitioner, which is directed to be paid by 10th of each succeeding month.

3. It is submitted that the impugned order has been passed on 11.01.2022 and after obtaining the certified copy of the order on 24.06.2022 he contacted his counsel on 06.08.2022 and thereafter it was filed on 10.08.2022 and as such the delay has been caused by 121 days. It has further been submitted that there is no wilful delay or laches on the part of the petitioner and if the delay of 121 days in filing this instant criminal revision is not condoned the petitioner will suffer irreparable loss.

4. Having been satisfied with the reasons as set out in the Interlocutory Application and in view of the submissions advanced on behalf of the petitioner the delay of 121 days is condoned.

5. Accordingly, the Interlocutory Application being I.A. No. 10320 of 2022 is allowed.

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6. Issue notice to opposite party No.2 by ordinary process as well as through registered post with A.D. for which requisites etc. must be filed within a period of two weeks, failing which this application shall stand rejected without further reference to the Bench.

7. Rule is made returnable by 13th July, 2023.

8. Put up this case on 13th July, 2023.

D.S./J.Minj

(Navneet Kumar, J.)