

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE NO.2256 of 2014

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ORDER :

 This Criminal Revision Case is preferred by the petitioner/accused, challenging the judgment dated 28.08.2014 passed in Criminal Appeal No.87 of 2014 on the file of Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, wherein and where under the interim maintenance awarded by the trial Court in Crl.M.P.No.2203 of 2013 in D.V.C.No.140 of 2013 dated 03.12.2013 was confirmed.

Heard the learned counsel for the petitioner and the learned counsel for respondent No.1.

The facts in issue are as under:

The 1st respondent/wife herein filed D.V.C.No.140 of 2013 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur. She also filed Crl.M.P.No.2203 of 2013 in the said D.V.C. seeking interim maintenance of Rs.1 lakh per month towards her food, clothing, medicine and for residence. The petitioner/husband filed his counter denying the averments mentioned in the petition. The learned Judge, by his order dated 03.12.2013, in total granted maintenance at Rs.45,000/- p.m. to respondent No.1 herein from the date of filing of the said D.V.C. Challenging the same, the petitioner herein filed Criminal Appeal No.87 of 2014 on the file of Additional Metropolitan Sessions Judge, L.B.Nagar, which was dismissed on 28.08.2014. Aggrieved by the same, the petitioner preferred the present revision.

The learned counsel for the petitioner submits that the

maintenance awarded to respondent No.1 is on higher side and the same has to be reduced. According to him, the petitioner is earning Rs.50,000/- p.m., as such it is practically difficult to pay a sum of Rs.45,000/- to respondent No.1.

A perusal of the orders passed by both the Courts below would show that the petitioner was working as Assistant Professor in Hi-Tech Medical College & Hospital, Bhubaneswar and earning a sum of Rs.2,16,892/- per month. The account extract of I.C.I.C.I. Bank reveal the same. However, the petitioner herein filed Gazette of Orissa, wherein the pay structure of an Assistant professors was shown as Rs.8,000-275-13,500/-. However, no certificate issued by the Board is presented before the Court. The account extract of I.C.I.C.I. Bank filed by the respondent show that the petitioner was getting Rs.2,16,892/- from the month of December, 2012 onwards. It is the case of the petitioner herein that he resigned his job on 18.01.2013 and joined as Assistant Professor at Bhubaneswar where he was paid a sum of Rs.50,000/- which in my view is highly improbable. Nobody would voluntarily leave a job where he was paid Rs.2,16,892/- per month as salary and join in new post where he is paid only Rs.50,000/-.

Having regard to the said circumstances, the finding of both the Courts below in awarding a sum of Rs.45,000/- as maintenance to respondent No.1 warrants no interference. However, the learned II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur is advised⁴ to dispose of D.V.C.No.140 of 2013 as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

With the above direction, the Criminal Revision Case is disposed of.

JUSTICE C. PRAVEEN KUMAR

18.02.2015
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