

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CRIMINAL PETITION No.5900 of 2015

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Between:

Vasabattula Chalivendra Phani

.. Petitioner/ Petitioner/ Respondent

And

Vasabattula Venkata Lakshmi Soujanya
& 2 others

.. Respondents/ Respondents/
Petitioners

DATE OF JUDGMENT PRONOUNCED: 07-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5900 of 2015

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ORDER :

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C to call for the records in C.R.P. No.135 of 2014 on the file of III Additional District and Sessions Judge, Kakinada, East Godavari District and seeking to quash the order dated 13.03.2015 passed in M.C. No.7 of 2009 on the file of V Additional Judicial Magistrate of First Class, Kakinada, East Godavari District.

2) Heard learned counsel for the petitioner, who is the respondent in M.C No.7 of 2009 as well as the respondents, who are petitioners in C.R.P. No. 135 of 2014, before admission. Perused the material on record.

3) The respondents herein filed M.C. No.7 of 2009 on the file of V Additional Judicial Magistrate of First Class, Kakinada, East Godavari District and the learned Magistrate on 25.08.2014 granted maintenance of Rs.15,000/- per month to 1st petitioner and Rs.10,000/- per month to 2nd petitioner. Impugning the same, the petitioner herein filed C.R.P. No.135 of 2014 on the file of III Additional District and Sessions Judge, Kakinada, East Godavari District. On 13.03.2015, the Sessions Judge dismissed the maintenance to the wife confirming the maintenance to minor child for Rs.10,000/-. Impugning the same, the present application is filed. In fact, it is the claim that on 15.11.2010 he was relieved from service on

his resignation from IBM as software engineer. There is no dispute with regard to the fact that he resigned and not removed or terminated from service. The resignation arises from any prospective or better earnings even thereby the earnings showing Rs.1,25,000/- per month while he was in service to say even now he is getting more income than that. Thereby, there is nothing to interfere regarding quantum but for to say it is utterly low so far as the arrears are concerned but learned Magistrate is right in granting maintenance from the date of petition very particularly after the amendment in 2001 to Section 125 Cr.P.C. for no interim maintenance even granted to give any deduction out of the final order.

4) Having regard to the above, there is nothing to interfere with the order either on the quantum or the date of petition. It is the submission that the arrears as on 06.07.2015 is for 76 months, which comes to Rs.7,60,000/-, which is burdensome to pay in lumpsum. Hence, the petitioner is directed to pay $\frac{1}{3}$ rd of the arrears within one month and remaining $\frac{2}{3}$ rd of the arrears in four equal installments within five months in this regard regular maintenance to be payable. If there is any non-payment on the part of the petitioner, the learned Magistrate can execute and recover.

5) Accordingly, the Criminal Petition is disposed of.

6) Miscellaneous petitions, if any pending, shall

stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.07.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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