

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1461 of 2013

ORDER:

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The present revision is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 08.07.2013 passed in Crl.A.No.121 of 2012 on the file of the I Additional Sessions Judge, Adilabad, wherein and whereunder the learned Sessions Judge confirmed the order dated 03.12.2012 passed in Crl.M.P.No.1103 of 2012 in D.V.C.No.47 of 2012 on the file of the I Additional Judicial Magistrate of First Class, Mancherial.

The facts in issue are as under:

The second respondent herein filed D.V.C.No.47 of 2012 on the file of the I Additional Judicial Magistrate of First Class, Mancherial, claiming various reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005. Pending the D.V.C. the second respondent filed Crl.M.P.No.1103 of 2012 seeking interim custody of the children. The said petition was allowed by the trial Court by awarding the following reliefs.

1. The interim protection order is granted to the petitioner under Section 18 of the Act. Through this order, the respondents are restrained from causing any type of domestic violence against the petitioner.
2. The interim maintenance of Rs.2,000/- is granted to the petitioner payable from the date of the petition. The respondent No.1 is directed to pay the interim maintenance to the petitioner on or before 10th of every month.
3. The temporary custody of children is granted to the petitioner under Section 21 of the Act. The respondents are directed to hand over the custody of children to the petitioner within 10 days from the date of this order.

Challenging the same, the petitioners herein filed Crl.A.No.121 of 2012, which was dismissed confirming the findings of the learned

Magistrate. Aggrieved by the same, the present revision is filed.

By an order dated 22.07.2013 this Court suspended the operation of the order subject to condition of the petitioners depositing half of the total arrears of the maintenance amount, within a period of three weeks from today.

Learned counsel for the petitioners submits that since 2012 the minor children are with the petitioners as such the question of granting interim custody of the children to the mother does not arise at this stage as the main D.V.C. is still pending. He submits that though both the Courts have held against the petitioners, but in view of the stay granted by this Court on 22.07.2013 two minor children continued to be in possession of the petitioners. The said fact is not disputed by the learned counsel for the second respondent.

Since the main D.V.C. is still pending, it would be appropriate if the said D.V.C. is disposed of without disturbing the custody of the children. Hence, confirming the order of the Courts below with regard to the interim custody of the children till the disposal of the main D.V.C., the learned trial Judge is advised to dispose of the D.V.C. within a period of three months from the date of receipt of a copy of this order.

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

Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

03.03.2015
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