

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.2265 OF 2014**

**ORDER:**

1. This Criminal Revision Case is filed by the petitioner challenging the order dated 9.3.2011 passed in M.C.No.46 of 2010 by the Family Court, Secunderabad.

2. The petitioner filed the above M.C. claiming maintenance from the 2<sup>nd</sup> respondent. The trial Court dismissed the same on the ground that the 2<sup>nd</sup> respondent is suffering from Schizophrenia and even according to the petitioner, he is abnormal. Aggrieved by the same, the petitioner filed this revision.

3. Learned Counsel for the petitioner submitted that the trial Court has not conducted fullfledged trial and that believing the certificate produced by the father of the 2<sup>nd</sup> respondent and without there being any verification or trial as to the authenticity of the said certificate, the trial Court dismissed the maintenance case.

4. From the perusal of the material available on record, it is apparent that the father of the 2<sup>nd</sup> respondent filed a medical certificate issued by Medical Board of USA to the effect that the 2<sup>nd</sup> respondent is suffering from Schizophrenia. Relying upon the said document, the trial Court dismissed the maintenance case filed by the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the view that that the trial Court has not appreciated the evidence in a proper manner and the trial Court has also failed to conduct the trial in the manner provided under the Criminal Procedure Code. Therefore, the order under revision is set aside and the matter is

remanded to the trial Court to dispose of the same afresh. The trial Court is directed to issue summons to the 2<sup>nd</sup> respondent, who is alleged to have been suffering from Schizophrenia. On his appearance, the trial Court shall get him examined by a team of doctors. On the basis of the report that would be given by the Doctors, the trial Court can decide the issue. If the 2<sup>nd</sup> respondent fails to appear in the above M.C., the trial Court can also take coercive steps since the petitioner is suffering in the hands of the 2<sup>nd</sup> respondent since a long time.

6. With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE RAJA ELANGO**

Dated: 30.10.2015

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