

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2783 OF 2015

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ORDER:
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1. This Criminal Revision Case is filed by the petitioner-husband against the docket order dated 29.10.2015 passed in DVC No.67 of 2012 by the IX Metropolitan Magistrate, Cyberabad, Kukatpally, Miyapur.

2. The 1st respondent, who is the wife of the petitioner, filed the above DVC against the petitioner. On 30.1.2015, the learned Magistrate directed the petitioner not to harass the 1st respondent at her educational institution and to return the study material of Ph.D., Passport, dresses and gold to her. Aggrieved by the same, the petitioner filed DVC Appeal No.876 of 2015 before the Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar. Along with the appeal, the petitioner also filed CrI.M.P.No.270 of 2015 for suspension of the order of the trial Court in DVC. The said application is pending. While so, the 1st respondent filed a petition before the learned Magistrate under Section 31(1) of the Protection of Women from Domestic Violence Act stating that the petitioner did not return the gold, passport and pattu sarees to her. The learned trial Judge referred the case to the 2nd respondent for necessary action and for registering the crime against the petitioner. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the material on record, it is apparent that the order passed by the trial Court on 30.1.2015 directing the petitioner to return the gold, passport and other things of the 1st respondent, is under challenge in appeal before the Additional Metropolitan Sessions

Judge, Cyberabad at L.B. Nagar and the said appeal as well as the application filed by the petitioner for interim suspension of the order dated 30.1.2015 are pending. The present order challenged in this revision is the consequential order of the order dated 30.1.2015, against which the appeal is pending. It is the case of the petitioner that as he challenged the order dated 30.1.2015 in appeal and the appeal is pending, the trial Court should not have referred the case to the police.

5. Considering the facts and circumstances of the case and since the DVC appeal and the application for interim suspension of order dated 30.1.2015 are pending before the Additional Metropolitan Sessions Judge, Cyberabad, the petitioner has to file an application before the lower appellate Court informing his grievance. On such application being filed, the lower appellate Court is directed to dispose of the same as expeditiously as possible. If the lower appellate Court fails to pass any orders on his application, he is at liberty to approach this Court.

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

JUSTICE RAJA ELANGO

Date : 18.11.2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2783 OF 2015

DATED 18th November, 2015.

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