

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1071 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner, challenging the order, dated 17.03.2015 passed in Crl.M.P. No.3490 of 2014 in M.C. No.3 of 2014 by the Additional Judicial Magistrate of First Class, Anantapuram, whereby the learned Magistrate directed the petitioner to pay Rs.8,000/- per month to the respondents 2 and 3 as interim maintenance.

Heard and perused the material available on record.

The 2nd respondent is the wife and the 3rd respondent is the son of the petitioner. The petitioner deserted the respondents 2 and 3 without any reason. Therefore, the 2nd respondent filed M.C. No.3 of 2014 before the Court of the Judicial Magistrate of First Class, Anantapur, against the petitioner. She also filed Crl.M.P. No.3490 of 2014 seeking interim maintenance at Rs.8,000/- per month, pending disposal of the maintenance case. The Court below allowed the said application granting interim maintenance at Rs.8,000/- per month to the respondents 2 and 3. Aggrieved by the same, the present revision is filed.

Learned counsel for the petitioner submitted that the order of the trial Court is illegal and improper and petitioner is disputing the marriage itself, and hence the respondents 2 and 3 are not entitled for maintenance.

The order passed by the trial Court is only an interim order. The issues whether the respondents 2 and 3 are entitled to maintenance and whether the 2nd respondent is the wife of the petitioner can be decided by the trial Court after due trial. Hence, this Court is of the

view that the maintenance amount granted by the trial Court can be reduced.

In the circumstances, the Criminal Revision Case is disposed of directing the petitioner to pay Rs.4,000/- per month to the respondents 2 and 3 towards interim maintenance, till the disposal of M.C. No.3 of 2014. Further, the trial Court is directed to complete the trial as expeditiously as possible, preferably within a period of six (6) months from today.

Miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

June 24, 2015
KTL