

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

Criminal Revision Case No.1925 of 2015

Between :-

Divakar Reddy and others .. Petitioners

and

K.Vandana and another .. Respondents

DATE OF JUDGMENT PRONOUNCED: 18th August, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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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 His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Revision Case No.1925 of 2014

ORDER:-

The revision is filed against the Judgment of the learned Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District, in Criminal Appeal No.574 of 2014, dated 10-09-2014, by and under which the appeal filed by the revision petitioners against the orders of the VIII-Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District, in CrI.M.P.No.1684 of 2014 in DVC No.13 of 2012 under Section 91 Cr.P.C., was dismissed.

2. Facts in brief are as under:-

The revision petitioners are the husband and his relatives of the 1st respondent. The respondent/aggrieved party filed a petition under the provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the Act') before the Protection Officer who filed a report before the jurisdictional Magistrate and the cognizance was taken. Enquiry in the main case bearing DVC No.13 of 2012 has concluded and when the Case was coming up for arguments, the revision petitioners filed three petitions. They sought for the following reliefs:-

- 1) To summon the Branch Managers, HDFC Bank, Rashtrapathi Road, Secunderabad, to bring the details in respect of the bank account belonging to the respondent/aggrieved party;
- 2) To summon the Regional Provident Fund Commissioner, Thane, Maharashtra State, for producing the documents relating to the respondent/aggrieved party and Provident Fund application while opening the account; and
- 3) To prosecute the respondent/aggrieved party for giving false evidence in Court suppressing the fact of her employment and stating that she is a house-wife.

3. In the present revision case, we are concerned with the first relief sought for by the revision petitioners.

4. By Order, dated 11-07-2014, the learned VIII-Metropolitan Magistrate, Cyberabad at Rajendranagar, dismissed all the three petitions. Aggrieved by the same, a revision was preferred before the High Court and the said revision was dismissed holding that appeal is the remedy. Consequently, Criminal Appeal No.574 of 2014 came to be filed before the Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, which came to be dismissed. Hence, the revision.

5. The contention of the learned Counsel appearing for the revision petitioners is that the learned appellate Judge has erred in holding that the appeal is not maintainable and there are no merits in the petition since the same is filed at a belated stage.

6. Insofar as the first aspect is concerned, there is no need for going into the details since already this Court has held that appeal is maintainable and therefore the observations of the learned appellate Judge that appeal is not maintainable becomes insignificant. However, what is noticed is that on merits the appellate Court has dismissed the appeal and hence what is required to be seen is as to whether the rejection of the request of the revision petitioners is justified.

7. The object of enacting the Act is to provide expeditious remedy to an aggrieved party in order to protect the rights guaranteed under Articles 14, 15 and 21 of the Constitution of India to provide for a remedy which is intended to protect the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society. It is also provided in the Act that such a petition should be disposed of within a period of sixty days from the date of its first hearing as per Section 12 (1) of the Act.

8. Therefore, every endeavour should be made by the concerned authorities including the Courts to see that the relief sought for and if entitled should be granted expeditiously and the immediate succour be

provided to an aggrieved party.

9. In the instant case, what is noticed is that the revision petitioners' intention is only to protract and drag on the proceedings on some ground or the other. The husband claims that the wife is gainfully employed and she is drawing a sum of Rs.25,000/- per month, thereby being disentitled to claim interim maintenance. The wife though initially denied that she is working but she contended that in order to sustain herself, she started working in a private organization and is earning Rs.9,000/- per month. After the aggrieved party was examined, subsequently the husband filed a petition to recall her for cross-examination. That was rejected and appeal was preferred there against and the appellate Court directed that PW.1/the aggrieved party be recalled. Thereafter, the aggrieved party was recalled and she was further cross-examined. In the cross-examination, she admitted that she had a Bank Account with HDFC, Secunderabad and she also admitted that her salary is Rs.12,500/- per month and sometimes incentives will be given. She further claimed that she requires a sum of Rs.50,000/- per month towards shelter, food, clothing, medication etc., and therefore she is claiming interim maintenance of Rs.20,000/- per month. After this cross-examination was completed and after the entire trial, the case was posted for the arguments. At that stage, the revision petitioner filed three applications which have been referred to above. It is also noticed from the record that during the pendency of the enquiry, the Court directed both the wife and the husband to produce the respective salary certificates. The respondent/wife produced the salary certificate and wanted it to be exhibited. The same was objected to and hence that could not be marked as an exhibit.

10. It is evident that the revision petitioners are intending to delay the disposal of the D.V.C. by seeking the reliefs such as to summon the bank account details from the bank, to summon a Provident Fund

Commissioner, Thane, Maharashtra State and to prosecute the aggrieved party/wife for giving false evidence. Both the Courts below have considered all the aspects in proper perspective and rejected the request and I do not see any irregularity or illegality in the orders passed by the Courts below. There are no merits in the petition and the same is liable to be dismissed.

11. In the result, the Criminal Revision Case is dismissed with a direction to the learned Magistrate to dispose of D.V.C.No.13 of 2012 within a period of one month from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

M.S.K.Jaiswal, J]

August, 2015

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