

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

TUESDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

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

CRIMINAL REVISION CASE No.1694 2013

Between:

Chinthamalla Ramesh

..... PETITIONER

AND

The State of A.P.rep.by its
Public Prosecutor and another

.....RESPONDENTS

The Court made the following:

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

CRIMINAL REVISION CASE No.1694 of 2013

ORDER:

This Criminal Revision Case is directed against the judgment dated 01.07.2013 in

Crl.A.No.71/2012 on the file of the II Additional Sessions Judge, Nalgonda at Suryapet.

2. Heard the learned counsel appearing for the revision petitioner/husband, the learned counsel appearing for the 2nd respondent/wife and the learned Additional Public Prosecutor, representing the State.

3. The facts in brief are that the 2nd respondent is the wife of the revision petitioner. Their marriage took place on 17.02.2005. Out of their marriage, a son was born to them on 21.05.2006. Disputes arose between the couple for different reasons. The fact remains that ever since the birth of the son, the wife had been living with her parents. She has initiated different proceedings including the criminal proceedings for the offence punishable under Section 498A IPC against the petitioner and 3 others. The petitioner/husband along with 3 others were tried in C.C.No.747/2010 on the file of the Judicial First Class Magistrate, Suryapet for the offence punishable under sections 498-A and 506 IPC and under section 3 and 4 of Dowry Prohibition Act. By judgment dated 04.09.2014, the petitioner/husband and 3 others were acquitted of the offences alleged and the said judgment has become final. The 2nd respondent/wife also claims to have been filed maintenance case and the present case under the provisions of the Domestic Violence Act, 2005 vide D.V.C.No.39/2010 on the file of the Judicial Magistrate of First Class at Suryapet against the petitioner and 3 others. By order dated 02.04.2012, the learned Magistrate partly allowed the D.V.C.39/2010, prohibiting the petitioner from committing any act of domestic violence against the 2nd respondent/wife and her son; directed the revision petitioner to pay the 2nd respondent/wife and her son per month @Rs.2,500/- and Rs.1,500/- respectively towards their maintenance, in addition to that, the learned Magistrate directed the petitioner to return Sthridhana amount of Rs.1,10,000/- to the 2nd respondent/wife within three months, and dismissed the DVC against respondents Nos.2 and 4 therein.

4. Against the said order, the petitioner preferred appeal being Crl.A.No.71/2012 on the file of the II Additional Sessions Judge, Nalgonda at Suryapet and the same was dismissed while confirming the order of the Court below and hence the present revision.

5. The learned counsel appearing for the petitioner submits that even though the

petitioner worked as Lecturer prior to the litigation, but unfortunately in the process of attending the Courts, the petitioner met with an accident, which resulted in serious head injury and lost his job. The learned counsel further submits that at present the petitioner/husband is not having any source of income, but still he being the father of minor child, he is interested to protect the interests of the minor child and therefore, as directed by this Court while granting interim suspension, he has been paying monthly maintenance @Rs.2,000/- to the 2nd respondent/wife and @Rs.1,000/- to the minor son without any default. The learned counsel further submits that the petitioner/husband is not in a position to satisfy the order of the Court below to the effect that he should pay compensation of Rs.1,10,000/- to the 2nd respondent/wife.

6. Now the point that arises for consideration in this revision is whether the order of the Court below is legal and sustainable.

Point:

7. Perused the impugned order. Having heard the learned counsel for both the parties, and having considered the totality of the facts and circumstances of the case, I see no grounds to interfere with the findings of both the Courts below. However, the direction to pay compensation of Rs.1,10,000/- to the 2nd respondent/wife is modified to that of direction to deposit the said compensation amount in any Nationalized Bank in the name of the minor son till he attains the majority, within a period of 5 (five) months from today. Except this modification, the remaining order of the trial Court with regard to awarding of maintenance and other aspects shall stand unaltered.

8. The Crl. Revision Case is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 09.06.2015

Dsr