

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CrI.R.C.No.984 of 2015

JUDGMENT

This revision is directed against the judgment, dated 21.04.2015 passed in CrI.A.No.499 of 2014 by the learned V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad, wherein the order dated 13.05.2014 passed in DVC No.174 of 2012 by the learned III Metropolitan Magistrate (Traffic Mobile Court), Hyderabad was set aside by remanding the matter to the trial Court with a direction to give an opportunity to the respondents to cross-examine P.Ws.1 and 2.

2. The brief facts of the case are that the marriage of the petitioner/complainant and the second respondent herein was performed on 12.12.1999 and out of their wed-lock, two female children were born. Thereafter, disputes arose between the couple, for which, the petitioner filed a case in Cr.No.177 of 2005 of Saroornagar Police Station under Section 498-A IPC and also M.C.No.268 of 2005 on the file of Additional Metropolitan Sessions Judge, Hyderabad and later, both parties compromised the matter before the Lok Adalat on 14.11.2006. The petitioner again filed a case in Cr.No.40 of 2011 of Women Police Station, Cyberabad under Section 498-A IPC and that O.P.No.39 of 2011 was also filed by the second respondent against the petitioner before the Family Court, Ranga Reddy District, for divorce. Thereafter, the petitioner filed D.V.C.No.174 of 2012 against respondents 2 to 4 seeking protection, residence, maintenance and compensation

orders under Sections 18,19,20 and 22 of the Protection of Women from Domestic Violence Act, 2005.

3. During trial, P.Ws.1 and 2 were examined and Exs.P1 to P16 were marked on behalf of the petitioner. No evidence was adduced and no document was marked on behalf of the respondents.

4. The learned Magistrate, after appreciation of the entire material on record, allowed DVC granting protection order and also a sum of Rs.1,00,000/- per month towards residence and maintenance of P.W.1 and her two female children and also directed respondents 1 to 3 therein to return the dowry amount of Rs.1,00,000/-, 40 tolas of gold articles and other household articles given by the parents of P.W.1 at the time of marriage, within two months and further directed the first respondent therein to pay a sum of Rs.5,00,000/- towards compensation. Aggrieved by the same, the first respondent preferred Crl.A.No.499 of 2014 and the learned Sessions Judge having considered the request of the unofficial respondents, allowed the appeal setting aside the impugned order therein and remanded the matter to the trial Court with a direction to give an opportunity to the respondents to cross-examine P.Ws.1 and 2. Challenging the same, the petitioner/complainant filed the present revision.

5. Heard learned counsel for the petitioner and learned Public Prosecutor for the first respondent-State and perused the material on record.

6. Learned counsel for the petitioner/complainant submitted that though several opportunities were given, the respondents did not choose to cross-examine P.Ws.1 and 2. He further submits that as the DVC is of the year 2012, remanding the matter for fresh trial will take more time for disposal and therefore, he seeks to fix the time for disposal of DVC.

7. As seen from the judgment impugned, on request of the unofficial respondents, the lower appellate Court remanded the matter to the trial Court for giving an opportunity to them to cross-examine P.Ws.1 and 2. Having regard to the facts and circumstances, this Court is of the view that the said order is not erroneous in law. However, considering the request of the petitioner, the Criminal Revision Case is disposed of, with the following direction;

(a) the lower appellate Court is directed to communicate this order along with the case bundle to the trial Court on or before 15.07.2015;

(b) On receipt of the case bundle, the trial Court, after issuing notice to the petitioner as well as the unofficial respondents, complete the trial as expeditiously as possible, more particularly, within a period of six months thereafter.

8. With the above directions, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

RAJA ELANGO, J

24th June, 2015
sj