

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6064 of 2015

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ORDER :

Heard learned counsel for the petitioner, who is 1st respondent of D.V.C.No.96 of 2013 filed against him and his family members by his wife-1st respondent herein on the file of the II Additional Judicial First Class Magistrate-cum-XIX Metropolitan Magistrate, Cyberabad, at Miyapur, and also the 2nd respondent-State represented by the Public Prosecutor.

2. The factual matrix is that the 1st respondent herein filed DVC against her husband, who is petitioner herein, and other family members. As per the petitioner, after contest, the DVC was dismissed against the other respondents as there was no domestic violence and domestic relationship to claim any relief against them, but for upholding against the petitioner and directed him to pay Rs.4,00,000/- within six months with effect from the order dated 30.12.2014. It is impugning the same, the petitioner preferred appeal in Crl.A.No.125 of 2015 on the file of the Metropolitan Sessions Judge at L.B.Nagar under Section 29 of the Domestic Violence Act, 2005 (for short, 'the Act') and also filed Crl.M.P.No.28 of 2015 to suspend the operation of the said recovery pending disposal of the appeal.

3. It is the grievance of the petitioner herein in

maintaining the petition under Section 482 Cr.P.C. that having known the order to be implemented pursuant to the lower Court direction in six months. The time of six months being expiring, the learned Sessions Judge posted the matter to 01.07.2015 i.e., after expiry of six months instead of granting or refusing any relief to indicate further grievance of the petitioner gave rise to a dilemma and that the order is liable to be suspended.

4. Perused the material on record.

5. The order of the learned Magistrate that is subject matter, no doubt, of the appeal is pending before the lower appellate Court. In fact, it is the contention that there is no finding of domestic violence even to pass order under Sections 20 and 22 of the Act, much less, to award Rs.4,00,000/-.

6. There shall be interim stay of the order of the learned Magistrate for four months from today. In the meantime, the learned Sessions Judge is directed to dispose of the appeal.

7. With the above observation, the criminal petition is disposed of. Need less to say, in the event of dismissal of the appeal, stay order ceases its force.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

10th July 2015.

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