

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2902 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 19.11.2015 passed in Crl.M.P.No.1085 of 2015 in Crl.M.P.No.691 of 2015 in M.C.No.10 of 2013 by the Family Court-cum-IV Additional District & Sessions Judge, Vijayawada, Krishna District.

2. The 1st respondent, who is the wife of the petitioner, filed the above M.C. against the petitioner claiming maintenance. In the said M.C., the petitioner remained ex parte and hence, the trial Court passed ex parte order directing the petitioner to pay monthly maintenance at the rate of Rs.7,000/- to the 1st respondent. Thereafter, the 1st respondent filed Crl.M.P.No.691 of 2015 under Section 125(3) Cr.P.C. to issue warrant against the petitioner directing him to pay arrears of maintenance and future monthly maintenance. On 20.8.2015, the trial Court passed orders issuing NBWs against the petitioner. The petitioner also filed an application challenging the ex parte order dated 25.3.2015 passed in the above M.C., along with condone delay application. The trial Court ordered notice to the 1st respondent in the condone delay application. While so, as there is threat of arrest, the petitioner filed the above Crl.M.P.No.1085 of 2015 seeking to recall NBWs issued against him. The said petition was dismissed. Hence, the petitioner preferred this revision.

3. Heard and perused the material available on record.

4. The present revision is filed by the petitioner against the dismissal of the application filed by the petitioner to recall NBWs issued against him. Considering the facts and circumstances of the case and the nature of the proceedings between the petitioner and the 1st respondent, without expressing any opinion on the merits of the case, this Court is inclined to pass the following order:

“The petitioner is directed to surrender before the trial Court and move an application afresh seeking to recall the NBWs issued against him on 20.8.2015. On such surrender and on such application being filed, the trial Court is directed to recall the same on condition of the petitioner depositing Rs.10,000/- (Rupees Ten Thousand only) towards arrears of maintenance to the 1st respondent”.

5. With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 26th November, 2015

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26.11.2015

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