

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1028 of 2015

ORDER:

This Criminal Revision Case is filed by the petitioner challenging the order, dated 22.05.2015, passed in CrI.M.P.No.160 of 2015 in M.C. No.54 of 2011 by the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case cum Additional Family Court, Hyderabad.

Heard and perused the material available on record.

The brief facts of the case are that the petitioner is the husband of the 2nd respondent and their marriage was performed on 06.06.2007. They also blessed with a male child. Due to differences between them, the 2nd respondent left the company of the petitioner. Thereafter, she filed maintenance case against the petitioner before the Family Court at Hyderabad. In that M.C., the 2nd respondent filed an application claiming interim maintenance of Rs.40,000/- per month to her and the child-3rd respondent. The Court below granted interim maintenance at Rs.12,000/- p.m. to the 2nd respondent and Rs.3,000/- p.m. to the 3rd respondent. As the petitioner failed to pay the interim maintenance, the respondents 2 and 3 filed CrI.M.P.No.197 of 2013 for enforcement of the above said order. As the petitioner was not attending the Court and also not paying the money, NBW was ordered against him. Thereafter, he appeared before the Court and filed CrI.M.P. No.375/2014 for grant of bail. After considering both the applications, the Court below passed the following order on 11.06.2014:

“In the result, CrI.M.P No.375/2014 is dismissed. CrI.M.P No.197/2013 is allowed. Sri P.Taraka Rama Reddy/husband is to be imprisoned for one month in terms of Sec.125(3) Cr.P.C and in the mean time if he makes the entire payment due towards interim maintenance, he shall be released.”

Thereafter, as the petitioner was not present, the Court below issued NBW against him on 28.01.2015. Against issuance of NBW, the petitioner filed CrI.M.P.No.160 of 2015. The Court below dismissed the said application for default through the impugned order. Aggrieved by the said order, the present revision is filed.

Learned counsel for the petitioner submitted that the order

passed by the Court below is contrary to law and as the petitioner is not residing in Hyderabad, he instructed his counsel to represent the case, but unfortunately, the counsel has also not appeared before the Court below.

Considering the facts and circumstances of the case, the petitioner is directed to surrender before the Court below and file a fresh application for recalling the warrant issued against him. On filing of such application, the trial Court is directed to consider and dispose of the same as expeditiously as possible.

With the above directions, the Criminal Revision case is disposed of. Miscellaneous petitions, pending if any, shall also stand closed.

RAJA ELANGO, J

June 22, 2015.

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