

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1819 OF 2016

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of Code of Criminal Procedure, 1973, is filed by the petitioners challenging the order, dated 10.06.2016, in CrI.M.P.No.72 of 2016 in C.A No.146 of 2016 passed by the III Additional Sessions Judge, Guntur.

2. Respondent No.1 herein is wife of petitioner No.1 and she filed D.V.C No.27 of 2012 on the file of Judicial Magistrate of First Class, Special Mobile Court, Guntur, against the petitioners seeking some reliefs under the Domestic Violence Act. The learned Magistrate after considering the material available on record, allowed the D.V.C. Aggrieved by the same, the petitioners herein filed appeal vide C.A. No.146 of 2016 before III Additional Sessions Judge, Guntur and along with the appeal they also filed CrI.M.P No.72 of 2016 seeking stay of the order, dated 19.01.2016, in D.V.C No.27 of 2012. The above CrI.M.P. was dismissed by the lower appellate Court. Aggrieved by the same, the petitioners filed this revision.

3. Heard and perused the material available on record.

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4. In DVC, the trial Court granted the following reliefs in favour of the 1st respondent/petitioner:

“1. Protection order is granted in favour of petitioner restraining the respondents from committing any act of Domestic Violence against the petitioner under Section 18 of the Protection of Women from Domestic Violence Act;

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2. that the residence order is granted in favour of petitioner and the respondents shall not dispossess the petitioner from shared household wherein she is residing with the respondents;

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3. that R.1 shall pay an amount of Rs.3,000/- per month to the petitioner towards her maintenance from the date of petition and he shall pay monthly maintenance on or before 10th of every succeeding month commencing from February, 2016 and the arrears shall be paid within three months;

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4. that R.1 shall pay Rs.50,000/- to the petitioner towards compensation for the emotional distress and mental agony caused by the acts of domestic violence of R.1 and the compensation amount shall be paid to the petitioner within three months from the date of this petition.

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5. The petition for the rest of the reliefs as prayed in the petition is hereby dismissed.”

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5. While preferring the appeal, the petitioners sought for stay of the above reliefs. The lower appellate Court considering all the facts and circumstances of the case and considering the fact that the petitioner No.1 has not provided maintenance to the 1st respondent from the date of filing of the petition viz., DVC No.27 of 2012, the appellate Court declined to stay the order of the trial Court.

6. Having regard to the facts and circumstances of the case, this Court is not inclined to revise the order under revision.

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7. Accordingly, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

JULY 13, 2016
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Date: 13.07.2016

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