

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1572 OF 2016

ORDER:

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This Criminal Revision Case is preferred challenging the order, dated 16.4.2016, in CrI.M.P.No.248 of 2015 in Criminal Appeal No.272 of 2015 on the file of the VII Additional Sessions Judge, West Godavari District, Eluru.

2. Respondent No.2 herein filed D.V.C.No.4 of 2009 before the Judicial Magistrate of I Class, Special Mobile Court, Eluru, West Godavari District against the petitioner herein and respondent No.3 herein seeking certain reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, "the Act") and by order, dated 30.6.2015, the learned Magistrate directed the petitioner not to interfere into the rooms of Kanaka Mahalakshmi Hospital, which are in exclusive possession of respondent No.2, and further, directed him to pay a compensation of Rs.50,00,000/- to her for the mental trauma and agony, which she suffered on account of perpetration of domestic violence, within six months from the date of that order, failing which, liberty was given to her to get the order executed by the process of the Court. Further, the learned Magistrate dismissed the D.V.C. against respondent No.3. Challenging the same, the petitioner preferred Criminal Appeal No.272 of 2015 before the VII Additional Sessions Judge, West Godavari District, Eluru. Pending appeal, the petitioner filed CrI.M.P.No.248 of 2015 under Section 29 of the Act read with 389(1) of the Code of Criminal Procedure, 1973 to stay the operation of the order, dated 30.6.2015, in D.V.C.No.4 of 2009 and the same was allowed on condition of the petitioner depositing 1/4th of the amount awarded in the lower Court within one month from the date of that order. Aggrieved thereby, petitioner filed the present Criminal Revision Case.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner submitted that respondent No.2 is a practising Doctor and the petitioner is aged about 63 years and imposition of huge amount is illegal and arbitrary; that the petitioner is ready to deposit an amount of Rs.5,00,000/- in favour of respondent No.2 and prayed this Court to direct the appellate Court to dispose of the appeal as expeditiously as possible.

5. Though the appellate Court is of the view that the appeal is admitted for hearing, it ought not to have directed the petitioner to pay 1/4th of the amount awarded in the lower Court within one month from the date of that order. Considering the facts and circumstances of the case, the order, dated 16.4.2016, in CrI.M.P.No.248 of 2015 in Criminal Appeal No.272 of 2015 on the file of the VII Additional Sessions Judge, West Godavari District, Eluru is modified directing the petitioner to deposit Rs.5,00,000/- (Rupees five lakhs only) in favour of respondent No.2 on or before 15.7.2016 and on such deposit, the learned Sessions Judge shall proceed further and dispose of the appeal as expeditiously as possible, preferably, within a period of six (6) months.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

21.6.2016

AMD

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Date:21.6.2016

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