

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order dated 16.05.2016 passed in CrI.M.P.No.1056 of 2016 in M.C.No.223 of 2015 passed by the Court of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast case-cum-Additional Family Court, Hyderabad, whereby the learned Judge directed the petitioner herein to pay half of the claim in CrI.M.P.No.599 of 2016 towards arrears of maintenance for children and wife on or before 09.06.2016, failing with the orders shall stand cancelled.

Heard and perused the material available on record.

The Court below erroneously directed the petitioner herein to pay half of the claim amount in CrI.M.P.No.599 of 2016 on the application filed by the petitioner seeking to set aside the *ex parte* order dated 23.12.2015 in M.C.No.223 of 2015. He further submits that the petitioner is not aware of the proceedings and he submits that the petitioner is ready to cooperate with the trial and he is ready to face the trial till disposal of the case. He further submits that the petitioner has been undergoing treatment in mental hospital and he is financially incapacitated to pay the amount as ordered by the Court below and as such, prays this Court to direct the Court below to restore the M.C., on its file.

Considering the facts and circumstances of the case, the criminal revision case is disposed of with a direction to the petitioner to deposit an amount of Rs.20,000/- (Rupees twenty thousand only) towards arrears of maintenance amount and on such deposit, the Court below is directed to restore M.C.No.223 of 2015 on its file and dispose of the same within a period of six months after hearing both the parties.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

09.06.2016

pln