

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2792 OF 2016

ORDER:

This criminal petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the order dated 18.06.2014 in CrI.M.P.No.664 of 2014 in M.C. No.07 of 2014 passed by the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court, Hyderabad, whereby the learned Judge awarded an amount of Rs.5,000/- to the petitioner towards maintenance under Section 125 of Cr.P.C. is meager, not commensurate with the income being earned by the first respondent, who is earning Rs.50,000/- per month on business.

Learned counsel for the petitioner contended that the trial court erroneously awarded interim maintenance at low rate and prayed to set aside the same and to award interim maintenance as prayed for i.e. @ Rs.15,000/- per month.

During hearing, Sri. K.Sai Babu, learned counsel for the petitioner, fairly brought to the notice of this Court that the first respondent herein filed CrI.P.No.4542 of 2016, wherein this Court reduced the interim maintenance awarded by the trial court to Rs.3,000/- from Rs.5,000/-. However, it is contended that it was passed without notice to the petitioner herein.

In any view of the matter, when the court passed an order without issuing any notice, and even if this matter is heard on merits, unless the order in CrI.P.No.4542 of 2016 dated 01.04.2016 is set aside, this court cannot enhance the

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maintenance claimed by the petitioner. However, I find no ground to enhance the interim maintenance awarded by the learned Sessions Judge.

At the end of the argument, learned counsel for the petitioner requested to issue necessary direction to decide the M.C. as expeditiously as possible.

Acceding to the request made by the counsel for the petitioner, I deem it appropriate to direct the learned Sessions Judge, to decide the M.C. as expeditiously as possible, but not later than 6 months from the date of receipt of a copy of this order.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 02.12.2016
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