

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.338 OF 2014

ORDER:

This Criminal Revision Case is filed by the petitioner/appellant/respondent under Sections 397 and 401 of the Code of Criminal Procedure, 1973 challenging the judgment, dated 13.12.2013, in Criminal Appeal No.49 of 2012 on the file of the VI Additional District and Sessions Judge, Godavarikhani whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 5.8.2011, in D.V.C.No.41 of 2010 on the file of the Junior Civil Judge, Godavarikhani.

2. The brief facts that are necessary for the disposal of the case are as under:-

Respondent Nos.2 and 3 herein are the wife and daughter of the petitioner herein respectively. They filed D.V.C.No.41 of 2010 on the file of the Junior Civil Judge, Godavarikhani under Section 12 of the Protection of Women from Domestic Violence Act, 2005 praying to grant monthly maintenance of Rs.5,000/- and Rs.2,000/- per month respectively, to order for return of Rs.2,00,000/- cash, two tulas of gold and thirteen tulas of silver given to the petitioner herein at the time of marriage by the parents of respondent No.2 and also not to commit any domestic violence against them. *Vide* judgment, dated 5.8.2011, the D.V.C. was allowed and the petitioner herein was directed to pay maintenance of Rs.3,000/- and Rs.1,000/- per month to respondent Nos.2 and 3 herein respectively. The trial Court also directed the petitioner

herein to return the total amount of Rs.2,00,000/-, two tulas of gold and thirteen tulas of silver to respondent Nos.2 and 3 and further directed not to commit any domestic violence against them at any place and through any mode. Aggrieved thereby, the petitioner herein filed Criminal Appeal No.49 of 2012 before the VI Additional District and Sessions Judge, Godavari khani and the same was dismissed with costs. Challenging the said judgment, he preferred the present Criminal Revision Case.

3. Heard and perused the entire material on record.

4. As far as the undisputed facts are concerned, the petitioner and respondent No.2 are husband and wife and respondent No.3 was born to them during their wedlock. It is also evident from the record that respondent Nos.2 and 3 are living separately from the petitioner and they are not in a position to maintain themselves. Further, O.P.No.332 of 2013 on the file of the V Additional District Judge, Kothagudem, which was filed by the petitioner for divorce, was allowed. It shows that the family relations between the parties are strained. Considering all the facts and circumstances of the case, the trial Court as well as the first appellate Court rightly granted maintenance to respondent Nos.2 and 3 and ordered for return of the dowry, gold and silver. The maintenance granted to them is very meager in nature. Hence, this Court is not inclined to interfere with the impugned judgment and the Revision fails and is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed confirming the judgment, dated 13.12.2013, in Criminal Appeal

No.49 of 2012 on the file of the VI Additional District and Sessions Judge, Godavarikhani.

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

JUSTICE RAJA ELANGO

20.9.2016
AMD



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Date: 20.9.2016

AMD