

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.3327 of 2015

ORDER:

Inspite of service of notice there is no representation on behalf of respondent No.2. Heard learned counsel for the petitioner.

The present Criminal Revision Case came to be filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 30.11.2015 passed in CrI.M.P.No.590 of 2015 in M.C.No.8 of 2015 on the file of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Bomb Blast Case-cum-Additional Family Court, Hyderabad, wherein the trial Court awarded interim maintenance of Rs.8,000/- per month to respondent No.2 herein.

The facts in issue are as under:

The petitioner is the husband of respondent No.2 herein. Respondent No.2 herein filed an application under Section 125 Cr.P.C. claiming monthly maintenance at Rs.15,000/-. The averments in the petition would disclose that the marriage of the petitioner with respondent No.2 took place on 19.05.2013. At the time of marriage parents of respondent No.2 gave cash of Rs.5.00 lakhs, 25 tolas of gold ornaments, 2 kgs. of silver, Honda Unicorn Bike apart from other household articles. Both of them lived happily for some time. It is also stated that after marriage, the petitioner and his family members forcibly took away the gold ornaments and treated respondent No.2 as maid servant and did not provide minimum necessities. It is further alleged that the petitioner used to harass respondent No.2 both physically and

mentally by demanding additional dowry of Rs.4,50,000/-. Finally on 10.03.2014 the petitioner and his family members are alleged to have neck her out of the house. As respondent No.2 is not having any means of income, filed the present maintenance case. Along with the main M.C. she also filed Crl.M.P.No.590 of 2015 seeking interim maintenance. By an order, dated 30.11.2015, the trial Court awarded Rs.8,000/- per month to respondent No.2 herein. Challenging the same the petitioner-husband filed the present revision.

Learned counsel for the petitioner mainly submits that the quantum of interim maintenance awarded by the trial Court is on higher side. He submits that the petitioner has taken loan of Rs.4.00 lakhs and most of his salary is being deducted towards instalment. Hence, it is urged that it is very difficult for the petitioner to pay a sum of Rs.8,000/- per month.

As stated earlier, in spite of service of notice, there is no representation on behalf of respondent No.2.

As seen from the record, and also from the pay slip of the petitioner, net salary of the petitioner is Rs.23,299.00. The counsel for the petitioner also took me through the bank statement of Axis Bank to show that the petitioner has been paying some amount towards loan instalment. At the same time, it is to be noted that since respondent No.2 has no independent source of income she has to be provided with amount as maintenance to make out a decent living till the disposal of the M.C. Learned counsel for the petitioner also submits that the petitioner has several commitments in his life and his parents are also depending on him. Since the main M.C. is still pending consideration, the trial Court is directed to dispose of M.C.No.8 of 2015 as

expeditiously as possible, preferably, within a period of four (04) months from the date of receipt of a copy of the order. Till such time the petitioner shall continue to pay the maintenance at Rs.6,500/- per month to respondent No.2. The arrears of maintenance, if any, shall be paid at the above mentioned rate within a period of six (06) weeks from today, in default, the petitioner shall pay an amount of Rs.8,000/- per month as awarded by the trial Court. On such deposit, respondent No.2 is permitted to withdraw the same without furnishing any security.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending, shall stand closed.

C. PRAVEEN KUMAR, J

18.04.2016
gkv

-