

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2439 of 2016

ORDER:

1) The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 18.06.2016 passed in CrI.M.P.No.1509 of 2016 in M.C.No.9 of 2014 on the file of the II Additional Judicial Magistrate of First Class, Eluru, wherein the trial Court awarded interim maintenance of Rs.4,000/- per month to the respondents 1 and 2 herein.

2) The facts in issue are as under:

The petitioner is the husband of respondent No.1 herein. Respondent No.1 and her daughter filed an application under Section 125 Cr.P.C. claiming monthly maintenance at Rs.15,000/- per month. The averments in the petition would disclose that the marriage of the petitioner with respondent No.1 took place on 21.05.2011. At the time of marriage, parents of respondent No.1 gave cash of Rs.10.00 lakhs, 25 sovereigns of gold ornaments, 2 acres of land and 1 kg. silver, apart from other household articles. Both of them lived happily for some time. Out of wedlock they were blessed with respondent No.2. It is also stated that after the birth of respondent No.2, the petitioner and his family used to harass respondent No.1 both physically and mentally by demanding additional dowry of Rs.2,00,000/-. Finally the petitioner and his family members are alleged to have necked her out from the house. As respondent Nos.1 and 2 were not having any means of income filed the maintenance case. Along with the main O.P. they also filed CrI.M.P.No.1590 of 2016 seeking interim maintenance. By an order, dated 18.06.2016, the trial Court awarded Rs.4,000/- per month

to respondent Nos.1 and 2 herein as interim maintenance. Challenging the same the petitioner-husband filed the present revision.

3) Learned counsel for the petitioner mainly submits that the quantum of interim maintenance awarded by the trial Court is on higher side and that it is very difficult for him to pay a sum of Rs.4,000/- per month. He further submits that a direction may be given to the trial Court to dispose of the maintenance case at an early date.

4) A perusal of the material on record show that the petitioner is working as Sub-Engineer, A.P.C.D.L. The averments in the petition also discloses that the petitioner is getting an amount of Rs.45,000/- per month as salary. Taking into consideration various facts and circumstances of the case, the trial Court awarded maintenance at Rs.4,000/- per month. Hence, I am not inclined to interfere with the impugned order.

5) Having regard to the request made by the learned counsel for the petitioner the present Criminal Revision Case is disposed of directing the trial Court to dispose of M.C.No.9 of 2014 as expeditiously as possible, preferably, within a period of three (03) months from the date of receipt of a copy of the order. Till such time the petitioner shall continue to pay maintenance at Rs.4,000/- per month to respondent Nos.1 and 2. It is made clear that the respondents shall co-operate for an early disposal of the case. Miscellaneous petitions, if any, pending, shall stands closed.

C. PRAVEEN KUMAR, J

27.09.2016
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