

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1589 OF 2012

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/respondent challenging the judgment, dated 7.6.2012, in Criminal Appeal No.19 of 2012 on the file of the IV Additional Sessions Judge (Fast Track Court), Warangal whereunder and whereby, the learned Sessions Judge partly allowed the appeal filed by respondent Nos.2 to 11 against the order, dated 7.1.2012, in D.V.C.No.3 of 2010 on the file of the II Additional Judicial First Class Magistrate at Warangal, by reducing the amount from Rs.3,000/- per month to Rs.2,000/- per month.

2. Petitioner is the wife of respondent No.2. Along with her daughter, she filed the aforementioned D.V.C. against respondent Nos.2 to 11 seeking to pay an amount of Rs.4,000/- per month to her and her minor daughter apart from other reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005, and the same was disposed of directing respondent No.2 to pay a sum of Rs.3,000/- per month to the petitioner from the date of the petition and such amount shall be utilized by her to meet her residential accommodation and medical treatment also. Challenging the same, respondent Nos.2 to 11 filed the aforementioned appeal and the same was allowed in part modifying the monetary relief and directed respondent No.2 to pay Rs.2,000/- per month instead of Rs.3,000/- per month from the date of passing of final order i.e., 7.1.2012, but not from the date of petition, as ordered by the learned Magistrate. Challenging the same, the petitioner filed the present Revision Case.

3. Heard and perused the material available on record.

4. Originally, the trial Court granted an amount of Rs.3,000/- per month to the petitioner and the appellate Court reduced the same to Rs.2,000/- per month on the following grounds:

Respondent No.2 has already deposited 20% of his retirement benefits in a suit pending before a civil Court 2) the trial Court failed to consider that no documents were filed to show that respondent No.2 gets an income of Rs.10,000/- per month towards pension 3) both petitioner and respondent No.2 are living under one roof and she has not sought for any alternative accommodation.

5. Even after issuance of notice, learned counsel for respondent No.2 failed to appear before this Court.

6. Considering the facts and circumstances of the case, this Court is of the view that as far as the deposit of 20% of the retirement benefits is concerned, the same is yet to be decided by the competent Court. By mere deposit of the said amount, the petitioner is not getting any monetary benefit. Furthermore, the amount of Rs.2,000/- per month is very meager. Hence, necessarily, this Court should interfere with the judgment of the appellate Court.

7. Accordingly, the Criminal Revision Case is disposed of with a direction to respondent No.2 to pay Rs.2,500/- per month to the petitioner from the date of filing of the petition i.e., D.V.C.No.3 of 2010 before the trial Court.

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

JUSTICE RAJA ELANGO

5.8.2016

AMD

U

CRIMINAL REVISION CASE No.1589 OF 2012

Date: 5.8.2016

AMD