

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1293 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order 1.4.2016 passed in CrI.M.P.No.341 of 2016 in CrI.M.P.No.1283 of 2015 in DVC No.15 of 2015 by the IX Metropolitan Magistrate, Kukatpally at Miyapur.

2. The 1st respondent filed the above DVC against the petitioner before the Court of the IX Metropolitan Magistrate, Kukatpally at Miyapur. Along with the above DVC, she filed CrI.M.P.No.1283 of 2015 on her behalf and on behalf of her son, seeking a direction to the petitioner to pay Rs.50,000/- per month as interim monetary relief and medical expenses. The learned Magistrate partly allowed the said CrI.M.P. granting interim monetary relief at the rate of Rs.30,000/- per month to the 1st respondent and her son-2nd respondent herein. Aggrieved by the same, the petitioner filed appeal viz., CrI.A.No.1011 of 2015 before the II Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar. While so, the 1st respondent filed the above CrI.M.P.No.341 of 2016 in the above DVC for attachment of salary of the petitioner on the ground that the petitioner failed to pay the maintenance as ordered by the learned Magistrate. The learned Magistrate passed the order impugned herein directing the Chief Accounts Officer, FA & CAO/P, Coach Factory, Kapurthala, Punjab, to withhold Rs.1,80,000/- from the salary of the petitioner in the monthly instalments i.e., one third of salary excluding first one thousand rupees under Section 60 CPC, and to remit the said sum and Rs.30,000/- per month regularly to the account of the 1st respondent. Aggrieved by the said order, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. The learned Counsel appearing for the petitioner submitted that

there is no relationship between the petitioner and the 1st respondent and that the 1st respondent worked in the house of the petitioner as peon and with a malafide intention to extract the money from the petitioner, she filed false cases against the petitioner and that the petitioner filed a private complaint against the 1st respondent and others, who played fraud. She further submitted that against the order of interim maintenance, the petitioner filed the appeal and pending the same, the learned Magistrate passed the order impugned without there being sufficient grounds.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this revision case is disposed of with the following directions:

1) The order dated 1.4.2016 passed in CrI.M.P.No.341 of 2016 in CrI.M.P.No.1283 of 2015 in DVC No.15 of 2015 by the IX Metropolitan Magistrate, Kukatpally at Miyapur, is hereby suspended till disposal of CrI.A.No.1011 of 2015 on the file of the II Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar.

2) The learned II Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar is directed to dispose of the above appeal viz., CrI.A.No.1011 of 2015 as expeditiously as possible, more preferably within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 7.6.2016
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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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