

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5012 OF 2016

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ORDER:
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This petition is filed by the petitioner under Section 482 Cr.P.C. challenging the order dated 22.3.2016 passed in CrI.M.P.No.40 of 2016 in M.C.No.152 of 2012 on the file of the XIV Additional District Judge-cum-Additional Family Judge, Vijayawada.

Heard and perused the material available on record.

The 2nd respondent is the wife and respondents 3 and 4 are the children of the petitioner. The 2nd respondent filed the above M.C. on her behalf and on behalf of her children claiming maintenance. During the pendency of the same, the petitioner filed the above CrI.M.P. seeking to reopen the matter to recall P.W.1 for the purpose of cross-examination and to summon her statement of account from the Bank. The trial Court dismissed the above application. Aggrieved by the same, the petitioner filed this petition.

It is the case of the petitioner that the 2nd respondent disposed of the jewellery taken away from his house and with that amount, she is doing money lending business and she has been getting monthly interest from the said business and the said amount is being credited to her savings bank account of State Bank of India, Nunna, and therefore, it is necessary to summon the statement of account of the 2nd respondent from the Bank.

While dismissing the above CrI.M.P. filed by the petitioner, the trial Court observed that P.W.1 was cross-examined at length and the petitioner filed the above CrI.M.P. only to drag on the proceedings. After perusing the material on record and the observations made by the trial Court, this Court is of the view that the contention raised by the petitioner that by selling jewellery, the 2nd respondent invested the amount for the purpose of getting some interest for her livelihood,

cannot be a ground to recall the 2nd respondent for the purpose of adducing evidence. The petitioner filed the above CrI.M.P. with an intention to harass the 2nd respondent by way of dragging the matter, reopening the case and examining her again in the Court. This Court is not inclined to interfere with the order under revision.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 12.4.2016

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DATED 12.4.2016

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