

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2082 of 2014

ORDER:

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The present revision is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 29.09.2014 passed in Crl.A.No.6 of 2014 on the file of the V Additional Sessions Judge, Bhongir, wherein and whereunder the learned Sessions Judge modified the order dated 12.12.2013 passed in Crl.M.P.No.2197 of 2013 in D.V.C.No.10 of 2013 on the file of the Judicial Magistrate of First Class, Ramannapet, and reduced the interim maintenance from Rs.8,000/- to Rs.5,800/- per month to the first respondent herein.

The facts in issue are as under:

The first respondent herein filed D.V.C.No.10 of 2013 on the file of the Judicial Magistrate of First Class, Ramannapet, claiming various reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005. Pending the D.V.C. the first respondent filed Crl.M.P.No.2197 of 2013 seeking interim maintenance. The said petition was allowed by the trial Court by granting interim maintenance at Rs.8,000/- per month. Challenging the same, the petitioner herein filed Crl.A.No.6 of 2014, wherein the learned Sessions Judge reduced the maintenance from Rs.8,000/- to Rs.5,800/- per month. Aggrieved by the same, the present revision is filed.

Learned counsel for the petitioner submits that the petitioner is a R.T.C. driver and is not in a position to pay Rs.5,800/- per month to the petitioner.

On the other hand, learned counsel for the first respondent submits that after deductions the petitioner is getting net salary of

Rs.13,800/- per month and the same is now increased. He further submits that the petitioner has totally neglected the first respondent. He submits that the appellate Court has already reduced the quantum of maintenance from Rs.8,000/- to Rs.5,800/- and if the same is reduced again, the first respondent will be put to great hardship.

A perusal of the order passed by the appellate Court would show that the petitioner is having another wife and he has to maintain his second wife and her son. Having regard to the facts and circumstances of the case and since the main D.V.C. is still pending and the issue as to the income of the petitioner is to be decided after leading cogent evidence, it would be appropriate to reduce the maintenance from Rs.5,800/- to Rs.5,000/- per month.

The Criminal Revision Case is disposed of with the above modification with regard to the quantum of interim maintenance from Rs.5,800/- to Rs.5,000/- per month. Since the D.V.C. is of the year 2013, the Judicial Magistrate of First Class, Ramannapet, is directed to dispose of the D.V.C. as early as possible, preferably, within a period of four (04) months from the date of receipt of a copy of this order. Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

16.03.2016

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