

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.844 OF 2016

ORDER:

Assailing the order granting maintenance in M.C.No.18 of 2011 by the Judicial Magistrate of First Class, Kurnool, the present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C.

2. The averments in the petition filed in support of the M.C., are as under:

Petitioner herein is husband of respondent No.1 and father of respondents 2 and 3. Marriage of the petitioner with respondent No.1 was performed in the year 2007 at Mahendra Kalyana Mantapam at Guntakal as per Hindu rites. At the time of marriage, parents of respondent No.1 gave an amount of Rs.7.00 lakhs cash and 20 tulas of gold as dowry. After marriage, respondent No.1 joined the company of the petitioner at her in-laws house in Guntakal. They lived happily for one month. Thereafter, parents of the petitioner, his brother and paternal uncles started harassing and ill treating her, demanding to get additional dowry. As per demand, she brought an amount of Rs.3.00 lakhs as additional dowry. Even after receiving the amount, the petitioner and his parents were harassing and ill-treating her. Out of wedlock, they blessed with two children. It is said that the petitioner used to suspect the fidelity of respondent No.1. In the year 2009, the petitioner got an appointment in Syndicate Bank. On coming to know about harassment meted out by respondent No.1 in the hands of the petitioner, mother of respondent No.1 died. After death of her mother, the petitioner demanded to get 20 tulas of gold belonging to her mother and sent her out of the house on 10.09.2011. On 15.09.2011 when respondent No.1 went to her in-laws house, parents of the petitioner started ill treating her both physically and mentally and threatened her with dire consequences. Unable to bear the said harassment, respondent No.1 lodged a criminal complaint before Guntakal II Town

Police Station on 18.09.2011, which was registered as Crime No.51 of 2011 for the offence punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

3. Petitioner herein filed counter denying the allegations made in the petition stating that since the date of marriage, respondent No.1 used to pick up quarrels for setting up a separate family and insisting him not to take care of his parents. Respondent No.1 used to abuse him and his parents in filthy language. On 18.09.2011, father and brother of respondent No.1 came to his house, quarrelled and beat his parents with sticks, hands and legs indiscriminately. In this connection, the petitioner lodged a compliant and the same was registered as Crime No.52 of 2001 of Guntakal Police Station.

4. During trial, on behalf of respondents 1 to 3, P.W.1 was examined and Exs.P.1 to P.4 were marked. On behalf of the petitioner no oral or documentary evidence was adduced.

5. After considering the rival arguments, the Court below awarded maintenance at the rate of Rs.3,000/- per month to respondent No.1 and Rs.1,500/- per month each to respondents 2 and 3. Aggrieved by the said order, the present revision case is filed.

6. Though various grounds are raised, learned counsel for the petitioner restricts his arguments with regard to quantum of maintenance awarded by the trial Court. Learned counsel for the petitioner drew the attention of this Court to para 12 of the impugned order. A reading of the said paragraph would show that as per Ex.P.3 salary certificate, the petitioner was drawing an amount of Rs.20,945/- per month. Whereas the averments in the petition would show that the petitioner was getting an amount of Rs.35,000/- per month, which according to the petitioner falsify the income of the petitioner. Though there is some discrepancy, but one fact which remains undisputed is that the petitioner is working as Assistant Manager in Syndicate Bank

at Bhadrawathi in Shimoga District and getting an amount of Rs.20,945/- per month.

7. Having regard to the facts and circumstances of the case, awarding maintenance at the rate of Rs.3,000/- per month to respondent No.1 and Rs.1,500/- per month each to respondents 2 and 3 cannot be said to be on higher side, more so when the relationship between them is not in dispute.

8. Accordingly, the Criminal Revision Case is dismissed confirming the order, dated 22.08.2015, in M.C.No.18 of 2011 passed by the Judicial Magistrate of First Class, Kurnool. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

MARCH 22, 2016
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Date: 22.03.2016

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