

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2677 of 2015

ORDER:

Heard learned counsel for the petitioner and perused the record.

The present Criminal Revision Case is filed under Sections 397 read with 401 of Cr.P.C. challenging the order dated 16.09.2015 passed in M.C.No.5 of 2015 on the file of the Principal Junior Civil Judge, Palakol, wherein the trial Court granted maintenance of Rs.2,000/- per month to the second respondent herein.

A perusal of the material on record would show that the second respondent herein, who is the wife of the petitioner, filed an application under Section 125 Cr.P.C. claiming monthly maintenance at Rs.6,000/-. The averments in the petition would disclose that second respondent herein is the wife of the petitioner herein. At the time of marriage cash of Rs.50,000/-, Hero Honda motor cycle, gold ring and watch were given as dowry on the demand of the petitioner and his family members. Both of them lived happily for some time and thereafter they were blessed with two female children. It is further alleged that the petitioner who was addicted bad vices like drinking, gambling and womanizing, developed illicit intimacy with one Sujatha and spent Rs.2,00,000/- to meet the marriage expenses of her son. It is also alleged that the petitioner took away all the gold ornaments of the second respondent and when she questioned, he beat her mercilessly leading to deterioration of her health. It is further alleged that a panchayat was held but nothing fruitful turned out. As she is not having any means of income filed the maintenance case.

The petitioner herein filed counter admitting his relationship and two female children born due to wedlock but however denies payment of dowry and receipt of gold articles. He further alleged that the second respondent developed illicit intimacy with one Vadlapti China

Chantiya and later she eloped with Parsi Satyanarayana. It is further stated in the counter that the petitioner constructed a house in Penumanchi village and she is getting Rs.2,000/- per month towards rents and also doing coolie works and getting Rs.250/- per day as such she is having sufficient means to maintain her.

During the course of trial, the second respondent-wife examined PWs.1 and 2 and no documents are marked, where as the husband got examined RWs.1 to 4 and marked Exs.R1 and X1, X2. After considering the rival submissions, the trial Court awarded maintenance @ Rs.2,000/- per month. Challenging the same the present revision is filed.

As seen from the record, the petitioner is working as a boiler operator in Vijaya Spinning Mills at Ganguru Village. Though the wife claims that the petitioner was getting a sum of Rs.15,000/- per month, the husband/petitioner admits earning Rs.7,000/- per month. Since the petitioner failed to prove the income of the respondent by adducing cogent and convincing evidence and in view of the admission of the petitioner with regard to his earning, it cannot be said that the quantum of maintenance awarded by the trial Court is higher, warranting interference.

Accordingly, the Criminal Revision Case is dismissed at the admission stage. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

18.02.2016
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