

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1906 of 2016

ORDER:

The present Criminal Revision Case came to be filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 14.06.2016 passed in Crl.M.P.No.17 of 2016 in Crl.A.No.142 of 2016 on the file of the VI Additional District and Sessions Judge, SPSR Nellore, wherein the learned Sessions Judge stayed the order dated 23.11.2015 passed in D.V.C.No.26 of 2015 on the file of the Special Judicial Magistrate of First Class for trial of Prohibition and Excise Offences, Nellore, subject to payment of maintenance at Rs.3,000/- per month to each of the respondents 1 and 2 therein.

The facts in issue are as under:

Respondents 2 and 3 herein, who are wife and daughter of the petitioner, filed D.V.C.No.26 of 2015 seeking maintenance of Rs.25,000/- per month against the petitioner and his family members. As there was no representation on behalf of the petitioner herein, the trial Court awarded maintenance of Rs.25,000/- and Rs.10,000/- to the wife and daughter. Aggrieved by the same, the petitioner and his family members preferred Crl.A.No.142 of 2016 before the Sessions Court. Along with the appeal he also filed Crl.M.P.No.17 of 2016 seeking stay of all further proceedings in D.V.C. By an order, dated 14.06.2016, the appellate Court granted stay subject to payment of maintenance at Rs.3,000/- each per month to wife and daughter. Challenging the same the present revision is filed by the husband.

Learned counsel for the petitioner mainly submits that the petitioner is a coolie and as such it is difficult for him to pay Rs.6,000/- per month to respondents 2 and 3 herein. At the same time it is to be noted that there is no dispute with regard to relationship of the

petitioner with the respondents and also paternity of respondent No.3. Infact, the trial Court directed payment of Rs.25,000/- to the wife and Rs.10,000/- to the daughter, which was stayed by the appellate Court directing the petitioner to pay monthly maintenance at Rs.3,000/- each to the wife and daughter. As the quantum of interim maintenance to be paid pending appeal being reasonable, the same does not warrant interference. The arrears of maintenance, if any, shall be paid at the above mentioned rate within a period of four (04) months from today.

Having regard to the facts and circumstances of the case and since the appeal is still pending, the VI Additional District and Sessions Judge, Nellore is directed to dispose of CrI.A.No.142 of 2016 as early as possible, preferably, within a period of three to six months from the date of receipt of a copy of the order.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending, shall stands closed.

C. PRAVEEN KUMAR, J

04.08.2016

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