

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.520 of 2016

ORDER:

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 01.02.2016 in CrI.M.P. No.2668 of 2015 in DVC No.34 of 2015, passed by the IX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, whereby the learned trial Judge directed the petitioner to pay the maintenance as ordered on 06.10.2015.

The brief facts of the case are that the petitioner got married the respondent No.1 on 17.12.2014. Thereafter, as there arose some disputes, the 1st respondent filed DVC No.34 of 2015 before the IX Metropolitan Magistrate, Cyberabad, Kukatpally against the petitioner No.1 and respondents 2 and 3, who are brother and sister-in-law of the petitioner. She also filed CrI.M.P. No.2668 of 2015 seeking to grant interim maintenance at Rs.15,000/- per month. The trial Court passed an ad-interim ex-parte order, dated 06.10.2015, granting interim maintenance at Rs.10,000/- per month to the 1st respondent. Thereafter, on 30.10.2015 the trial Court set the petitioner ex-parte in DVC and also passed ex-parte order in CrI.M.P. No.2668 of 2015 allowing the application as prayed for and directing the petitioner to pay maintenance at Rs.15,000/- per month to the 1st respondent. Challenging the said order, dated 30.10.2015, the petitioner preferred Criminal Appeal No.79 of 2016 before the II Additional District Judge, Ranga Reddy District along with an application to suspend the ex-parte maintenance order stating that on enquiry, he came to know about the filing of DVC and the CrI.M.P. and also the orders, dated 06.10.2015 and 30.10.2015, and the same were pending. Thereafter, the petitioner filed a memo in DVC before the trial Court stating that he preferred an appeal against the order of setting him ex-parte in the DVC and prayed

the trial Court to suspend the interim orders, dated 06.10.2015. Basing on the said memo, the trial Court passed the impugned order, directing the petitioner to comply with the order, dated 06.10.2015, or else his defence will not be accepted and adjourned the matter to 15.02.2016 as a last change. Aggrieved over the same, the present revision is filed.

Heard and perused the material available on record.

Having heard the learned counsel for petitioner and also on considering the material available on record, this Court is inclined to pass the following order:

The order, dated 01.02.2016, passed in CrI.M.P. No.2668 of 2015 in DVC No.34 of 2015 passed by the IX Metropolitan Magistrate, Cyberabad at Miyapur is set aside and the matter is remanded to the trial Court with a direction to pass orders in the above application in accordance with law, on or before 15.03.2015, without insisting the petitioner to comply with the order, dated 06.10.2015, passed in the said application.

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

RAJA ELANGO, J

February 11, 2016.

KTL