

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1115 of 2012

ORDER:

1. This Criminal Revision Case is filed by the petitioner against the Judgment dated 23.2.2012 passed in CrI.A.No.99 of 2011 by the Family Court-cum-Additional Sessions Judge, Adilabad.

2. The petitioner filed DVC No.2 of 2009 before the Judicial First class Magistrate, Sirpur Town, under Sections 12, 18(a) and (c) and Section 20 of the Protection of Women from Domestic Violence Act against the 1st respondent-husband. It is the case of the petitioner that she is the legally wedded wife of the 1st respondent and she got one daughter through him. During the subsistence of marriage, the 1st respondent married another woman. Then, the petitioner filed a private complaint before the Judicial Magistrate of First Class, Sirpur and the learned Magistrate after conducting trial, convicted the 1st respondent and his second wife for the offence under Section 494 IPC. During the pendency of the said criminal case, the 1st respondent gave his residential house bearing No.1-74/9/A at Hasanparthy of Warangal District to the petitioner towards compensation. Subsequently, the petitioner filed M.C.No.20 of 1994 against the 1st respondent on her behalf and on behalf of her daughter for maintenance and that M.C. was allowed granting maintenance of Rs.500/- per month to the petitioner and Rs.400/- per month to her daughter. But the 1st respondent did not pay the maintenance amount. The petitioner and her daughter are residing in a rented house.

3. The learned Magistrate after considering the oral and documentary evidence allowed DVC in part directing the 1st respondent to deposit Rs.1,00,000/- in the name of his daughter P.

Sumalatha and pay Rs.50,000/- cash to the petitioner on or before 11.11.2010. Being not satisfied with the said order, the petitioner filed appeal in CrI.A.No.99 of 2011 before the Family Court, Adilabad. The Family Court dismissed the appeal confirming the order of the trial Court. Hence, the petitioner filed this revision.

4. Heard and perused the material available on record.

5. Originally, the petitioner sought for grant of maintenance amount and Rs.1,500/- towards rental accommodation. Subsequently, on coming to know that the house, which was given earlier to the petitioner, was sold away by the 1st respondent prior to filing of DVC, the petitioner sought amendment of prayer of grant of rentals to that of return of the said sale proceeds to the petitioner.

6. From the material on record, it is obvious that the petitioner and the 1st respondent have been residing separately from 22 years prior to filing of the above DVC. Before the trial Court, the 1st respondent came forward to give lump sum amount of Rs.1,50,000/- towards permanent alimony to the petitioner. Taking into consideration the circumstances of the case and the financial position of the 1st respondent, the trial Court gave a direction to the 1st respondent to deposit Rs.1,00,000/- in the name of his daughter-Sumalatha and to give Rs.50,000/- to the petitioner.

7. Considering all the aspects and the findings of the trial Court, the lower appellate Court passed the judgment under revision. This Court is of the view that the judgment under challenge does not warrant any interference and hence, the revision is liable to be dismissed.

8. Accordingly, Criminal Revision Case is dismissed. Consequently, the miscellaneous petitions, if any pending in this revision, shall stand dismissed.

RAJA ELANGO, J

19th July, 2016

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