

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.494 of 2016

ORDER:

The present revision is filed under Sections 397 and 401 Cr. P.C. aggrieved by the order dated 27.11.2015 passed in CrI.A.No.426 of 2014 on the file of the Additional Metropolitan Sessions Judge, Cyberabad, wherein and whereunder the learned Judge vide order dated 24.04.2014 passed in D.V.C.No.12 of 2012 on the file of the III Metropolitan Magistrate, Cyberabad at L.B.Nagar, while confirming the rest of the reliefs granted by the lower Court in DVC No.12 of 2012 modified the compensation awarded by the lower Court from Rs. 1 lakh to Rs.50,000/-.

2. The facts in issue are as under:

The second and third respondents herein filed D.V.C.No.12 of 2012 on the file of III Metropolitan Magistrate, Cyberabad at L.B.Nagar, claiming reliefs under Sections 12, 18 to 22 of the Protection of Women from Domestic Violence Act, 2005, aggrieved by the cruel attitude of his husband and mother-in-law, who were harassing the second respondent both physically and mentally. After examining the case in detail, learned Sessions Judge held that the petitioner therein was entitled to the following reliefs:

- a. The petitioner is accorded protection from respondent from committing any act of domestic violence U/ S 18(a), aiding or abetting in the commission of acts of Domestic Violence under Section 18(b), entering the place of employment or any other place frequented by the complainant under Section 18(c), attempting to communicate in any form under Section 18 (d), causing violence to the dependents or any person who give the

assistance to the complainant under Section 18(f) of the DV Act.

- b. The petitioner is entitled for residence order under Section 19 of the DV Act and residence order thereof is passed. Accordingly, respondent No.1 is directed to provide residence to the petitioners and if he fails to do so, the petitioner is entitled to live in a separate residence and claim its expenses to a tune of Rs.3,000/- every month from respondent No.1.
- c. The respondent is directed to pay a sum of Rs.5,000/- as monthly maintenance to the petitioner and her child every month on or before 10th of every English calendar month w.e.f. the date of this order and monetary relief is granted under Section 20 of DV Act.
- d. The respondents are directed to pay a sum of Rs.5,000/- towards the cost of this petition for the petitioner.
- e. Respondent No.1 is directed to pay compensation and damages of Rs.1 lakh under Section 22 of DV Act.
- f. The reliefs sought against respondent No.2 stands dismissed.
- g. The relief under Section 19(8) of the DV Act i.e., directing respondent No.1 to return the dowry amount and gold stands dismissed.
- h. If the respondents fails to obey the orders of this Hon'ble Court, the petitioner is at liberty to seek proper remedy under DV Act".

Challenging the same, the petitioner herein filed CrI.A.No.426 of 2014, wherein the learned Sessions Judge modified the compensation awarded by the lower Court from Rs.1 lakh to Rs.50,000/- and confirmed the rest of the reliefs. Aggrieved thereby, the present revision is filed.

3. Learned counsel for the petitioner submits that there is no material disclosing the damage sustained by the second respondent; that the petitioner is a teacher and it is difficult for him to pay such a huge compensation and maintenance. Hence, prayed to set aside the order of the Court below.

4. Having regard to the facts and circumstances of the case, the Court below after appreciation of evidence on record and considering the financial status of the petitioner, has rightly granted reasonable amounts towards residence, maintenance and costs. As such, I am not inclined to interfere with the same. Insofar as the amount of compensation to be paid by the petitioner towards mental agony suffered by the second respondent is concerned, since substantial amount towards maintenance is granted in both DVC and also in M.C.109 of 2012, this Court is of the view that ends of justice would be met if Rs.30,000/- is awarded as compensation instead of Rs.50,000/- towards mental agony.

5. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20.09.2016
vnb

