

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15769 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking a direction to the Judicial Magistrate of First Class, Karimnagar to make the 1st respondent to deposit arrear amount of Rs.31,500/- in CrI.M.P.No.1148 of 2016 in M.C.No.17 of 2005 before the court.

Petitioner appeared in person and requested to issue direction to the Judicial First Class Magistrate, Karimnagar to decide the pending CrI.M.P.No.1148 of 2016 in M.C.No.17 of 2005 for recovery of arrears of Rs.31,500/- as the petitioner is suffering a lot on account of pendency.

When the petitioner was asked to engage an advocate, this court suggested appointment of a legal aid counsel but she does not like to avail the service of legal aid counsel and wanted to argue the case.

During hearing, petitioner in person submitted that she has no properties or any bank balance for her livelihood to maintain herself and that she is suffering from diabetes and hypertension etc., and therefore, unable to maintain herself and her children and that apart, the respondent-husband is not paying any amount towards maintenance granted by the trial court and requested this court to issue a direction to the Judicial Magistrate of First Class, Karimnagar to order the 1st respondent-husband to deposit arrears amount of Rs.31,500/- in CrI.M.P.No.1148 of 2016 in M.C.No.17 of 2005.

It is an undisputed fact that M.C.No.17 of 2005 was ordered on 7-8-2006 awarding maintenance of Rs.1500/- and Rs.1,000/- to the first and second petitioners therein respectively (i.e. 1st respondent-wife herein

and her son) as maintenance payable on 5th of every succeeding month from the date of petition i.e., 28-2-2005, but the respondent did not pay maintenance awarded, thereupon she was constrained to file application under Section 125 Cr..P.C.

Taking into consideration of the inconvenience of the petitioner and intention of the legislature to provide speedy remedy for maintenance in incorporating Section 125 Cr.P.C., it is the obligation of the court to take care of enforcement of the order passed by the court. But the trial court did not evince any interest to decide the pending petition before it.

Therefore, I find it expedient to issue a direction to the Judicial Magistrate of First Class, Karimnagar to decide the petition in CrI.M.P.No.1148 of 2016 in M.C.No.17 of 2005 filed under Section 125 Cr.P.C. as expeditiously as possible but not latter than three months in accordance with law.

With the above direction, this Criminal Petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 8-11-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



CRIMINAL PETITION No.15769 OF 2016

Dated 8-11-2016.

Dvs