

THE HON'BLE SRI JUSTICE RAJA ELANGO

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Criminal Petition No.5913 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 14-09-2015 in Crl.M.P.No.620 of 2014 in M.C.No.240 of 2013 passed by the learned Additional Metropolitan Sessions Judge for trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge-cum-IX Additional Metropolitan Sessions Judge, Hyderabad, setting aside the petitioner/respondent.

Heard the learned counsel for the petitioner and the learned counsel for the respondents herein.

The main grievance of the petitioner is that due to some financial constraints, he could not able to comply with the order in Crl.M.P.No.334 of 2015 in M.C.No.240 of 2013 and now he is ready to pay the entire arrears and to proceed with the case. He further prayed that the warrant issued against him may be recalled.

Admittedly, an interim maintenance was granted in Crl.M.P.No.334 of 2015 in M.C.No.240 of 2013 by the order dated 19-08-2015 and for execution of the said order, the respondents herein filed Crl.M.P.No.620 of 2014, in which, since the petitioner/respondent herein was absent, he was set ex parte.

Having regard to the facts and circumstances of the case and since it is stated by the learned counsel for the petitioner that the petitioner/respondent is ready to pay entire arrears of maintenance and to proceed with the trial, the

petitioner/respondent is directed to file an application before the concerned Court stating that he is ready to pay entire arrears of maintenance and to proceed with the trial and on filing of such application, the trial Court is directed to proceed with the trial of the maintenance case and to dispose of the same in accordance with law, as expeditiously as possible. However, it is made clear that in the event of any warrant issued against the petitioner/respondent, the same is recalled.

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Accordingly, the Criminal Petition is disposed of.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 22-04-2016

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