

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2692 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 01-09-2016 in Crl.M.P.No.511 of 2016 in M.C.No.46 of 2016 on the file of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast case-cum-Addl. Family Court-cum-IX Metropolitan Sessions Judge, Hyderabad.

2. Heard both the counsel.

3. For the sake of convenience, the parties hereinafter will be referred to as they were arrayed before the trial Court in the above Crl.M.P.

4. A perusal of the record reveals that petitioners filed the above M.C.No.46 of 2016 against the respondent under Section 125 Cr.P.C. seeking maintenance at the rate of Rs.30,000/- per month. Pending the above M.C., the petitioners filed the above Crl.M.P. claiming interim maintenance. The trial Court granted interim maintenance of Rs.5000/- per month to the 1st petitioner and Rs.2,500/- per month each to the petitioners 2 and 3. Hence, this revision.

5. At the time of arguments, learned counsel for the respondent submitted that the 1st petitioner filed M.C.No.291 of 2009 against the respondent under Section 125 Cr.P.C. seeking maintenance of Rs.15,000/- per month. 1st petitioner also filed D.V.C.No.3 of 2011. Subsequently, both parties entered into a compromise.

6. While things stood thus, the petitioners filed the present M.C.No.46 of 2016. The 2nd petitioner is aged about

7 years and the 3rd petitioner is aged about 2 years. It may not be possible for the 1st petitioner to look after the welfare of the petitioners 2 and 3 without financial assistance from the respondent. There is a moral and social obligation on the part of the respondent to look after the welfare of the petitioners. The trial Court after considering the material available on record, granted interim maintenance at the rate of Rs.5000/- per month to the 1st petitioner and Rs.2,500/- per month each to the petitioners 2 and 3.

7. At the time of arguments, learned counsel for the petitioners submitted that the respondent married another woman. Learned counsel for the respondent submitted that he is not aware of the same. The said aspect will be considered by the trial Court at the time of trial in the main M.C.

8. Viewed from any angle, I am of the considered view that granting of interim maintenance at the rate of Rs.5000/- per month to the 1st petitioner and Rs.2,500/- per month each to the petitioners 2 and 3 is not on higher side. There is no illegality or irregularity in the order passed by the trial Court, which warrants interference of this Court by exercising the revisional jurisdiction under Section 397 Cr.P.C.

9. Accordingly, the Criminal Revision Case is dismissed. However, the trial Court is directed to dispose of M.C.No.46 of 2016 without being influenced by any of the observations made by this Court in this Criminal Revision Case. Miscellaneous petitions, if any pending, in this revision shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 28-12-2016.
Hsd

