

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.R.C.No.1591 of 2017

JUDGMENT:

This revision is filed under Sections 397 and 401 of Cr.P.C questioning the propriety, legality and regularity of the order, dated 28.02.2017 in Crl.M.P.No.2 of 2017 in F.C.M.C.NO.29 of 2016 passed by the Judge Family Court,-cum-Additional District Judge, Ananthapuram granting maintenance of Rs.10,000/- per month to the 1st and 2nd respondents from the date of petition i.e. 16.09.2016 till disposal of the maintenance case and directed to pay arrears of maintenance from 16.09.2016 to February, 2017 on or before 28.03.2017 and the petitioner herein further directed to pay monthly interim maintenance to the 1st and 2nd respondents from March, 2017 under proper acknowledgment on or before 10th of every succeeding month.

The 1st and 2nd respondents filed M.C under Section 125 Cr.P.C. seeking maintenance while contending that 1st respondent is the legally wedded wife of the petitioner and she was neglected and refused by the petitioner and failed to provide necessary maintenance for her livelihood and that the 1st respondent has no means for herself to eke out her livelihood and that the petitioner is working in the postal department and earning Rs.60,000/- per month towards salary.

During pendency of M.C., the petitioner did not chose to file counter and therefore, the Court below accepting that the petitioner is working in Postal Department and earning Rs.60,000/- per month, awarded maintenance of Rs.10,000/- each to the 1st and 2nd respondents.

It is the contention of the petitioner that he is working as Inspector of Posts and whereas the 1st respondent is working as Software Engineer, but did not produce any material before the Court and in view of the

limited jurisdiction under Section 397 and 401 Cr.P.C., this Court cannot interfere with the findings recorded by the Court below unless the order is manifestly perverse or patently erroneous. But in this case, the petitioner did not even file his counter and produce any document in support of his contention that the 1st respondent is working as Software Engineer and able to maintain herself. Therefore, I find no ground to accept the contention of the petitioner. However, it is left open to the petitioner to raise all these contentions in the M.C. filed by the 1st and 2nd respondent. The Court below is directed to decide M.C. as expeditiously as possible in any event not later than six months from the date of receipt of a copy of this order.

Learned counsel for the petitioner requested the Court to extend the time for payment of arrears of maintenance. Considering the facts and circumstances of the case, the time for payment of arrears of maintenance is extended till end of September, 2017.

With the above observation, the Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending in the criminal revision case, shall stand closed.

M. SATYANARAYANA MURTHY J

Date: 03.08.2017
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