

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1143 OF 2006

JUDGMENT:

No representation for the revision petitioners.

2. Questioning the order dated 11.05.2006 passed by the learned IV Additional District Judge, (Fast Track Court), Mahabubnagar, in Criminal Revision Petition No.20 of 2005, the present Criminal Revision Case is preferred.

3. Turning to the facts, the revision petitioners filed M.C. No.35 of 2003 before the learned Judicial Magistrate of First Class, Mahabubnagar, under Section 125 of the Code of Criminal Procedure, 1973 (for short 'Code'), requesting to grant Rs.1,500/- per month to each of them against their son, who is respondent No.2 herein, working as post-master then. The learned Magistrate by the order dated 19.05.2005, having examined PWs.1 and 2 and RWs.1 and 2 and marking Exs.R-1 to R-3, granted monthly maintenance of Rs.300/- to each revision petitioner from the date of the order.

4. The aforesaid order was questioned in Criminal Revision Petition No.20 of 2005 and the learned Additional District Judge, by the order dated 11.05.2006, set aside the order passed by the learned Magistrate recording reasons and having found certain admissions in the cross-examination of PW.2 that he is doing 'pourohithyam' and

that respondent No.2 has no house in his name at Gokulnagar and his (PW.2) son is performing poojas at Kanyaka Parameswari Temple, that he has got ancestral property at Kondapur village and he himself sold the said property and he has not given any amount to his sons and an extent of Acs.25-00 of land belonging to his father-in-law was transferred in the name of his wife (PW.1) and he is in possession thereof and earning Rs.25,000/- thereon, which all admissions made by PW.2 in his cross-examination, convinced the learned Additional District Judge to set aside the order granting maintenance by the learned Magistrate. Since such admissions are occurring in the cross-examination of PW.2, petitioner No.2, nothing more is required to hold that the order passed by the learned lower appellate Court does not suffer from any legal infirmity warranting interference. Thus, there is no merit in the present revision.

4. Therefore, the Criminal Revision Case is dismissed confirming the order under challenge.

As a sequel thereto, Miscellaneous Applications, if any, pending in the present revision stand dismissed.

A. SHANKAR NARAYANA, J

November 21, 2017.

PV