

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1382 of 2017

ORDER:

This Criminal Revision Case, under Sections 397(1) read with 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity) filed by the petitioners is directed against the order, dated 23.03.2017, of the learned V Additional Metropolitan Sessions Judge, Hyderabad, passed in CrI.M.P.No.117 of 2017 in D.V.A.No.287 of 2017.

2. I have heard the submissions of *Sri T.L.Nayan Kumar*, learned counsel for the petitioners/appellants [hereinafter referred to as, 'petitioners'] and of *Smt. S. Rama Subhadra*, learned counsel for the respondents 1 and 2 [hereinafter referred to as, 'respondents']. I have perused material record.

3. The facts, which are required to be stated as a prelude to this order, in brief, are as follows:

The respondents 1 and 2 obtained an order in their favour in DVC No.426 of 2012. Aggrieved of the said order, the petitioners filed DVC Appeal No.287 of 2017 before the Court below. In the said pending appeal, the petitioners also filed CrI.M.P.No.117 of 2017 seeking stay of the operation of the order of the trial court. While granting interim orders of stay, the Court below by the impugned order imposed certain terms. Aggrieved of the said terms, the present Revision Case is filed.

4. On 02.06.2017, this Court while ordering notice before admission granted the following interim order in CrI.R.C.M.P.No.2230 of2017:

“Perused the material record. Having regard to the facts, submissions and the issue raised for consideration in the grounds of revision, which require detailed examination, there shall be interim stay as prayed for, subject to the condition of the petitioner depositing Rs.1,00,000/- (Rupees one lakh only), out of total compensation of Rs.4,00,000/- within four (04) weeks from today to the credit of D.V.A.No.287 of 2017 on the file of V Additional Metropolitan Sessions Judge, Hyderabad.”

This Court also recorded the following undertaking given by the learned counsel for the petitioners:

Learned counsel for the petitioners undertakes that the 1st petitioner will pay the maintenance amount @ Rs.12,000/- per month as per the orders of the appellate Court/Court below, regularly and without fail.

5. At the hearing today, the learned counsel for the petitioners would submit that the said order is complied with by depositing before the Court of V Additional Metropolitan Sessions Judge, City Criminal Court, Hyderabad, a Fixed Deposit Receipt bearing No.150931, dated 22.06.2017, for a sum of Rs.1,00,000/- issued by the Advocates’ Mutually Aided cooperative Societies Limited, Hyderabad. He would further submit that in view of the interim order granted by this Court and its compliance, the same may be made the final order and the Revision Case may be disposed of giving a direction to the Court below to dispose of the appeal as expeditiously as possible.

6. Learned counsel for the respondents 1 and 2 seeks permission to withdraw the amount deposited by the petitioners herein as per the afore-stated orders of this Court.

7. However, learned counsel for the petitioners opposes for granting permission for withdrawal of the amount deposited *inter alia* stating that the petitioners have got fair chance of success in the appeal.

8. I have given detailed and thoughtful consideration to the submissions.

9. Having regard to the facts and submissions, this Court is satisfied that the Revision Case can be disposed of at this stage with appropriate directions.

10. In the result, the Criminal Revision Case is allowed in part and the orders impugned are modified to the extent indicated in the interim order, dated 02.06.2017, of this Court in CrI. R.C.M.P. No.2230 of 2017, subject, however, to the following further conditions/observations. The respondents 1 and 2 herein are permitted to withdraw the amount of Rs.1,00,000/- deposited by the petitioners in the form of Fixed Deposit aforementioned. On the respondents 1 and 2 filing an appropriate application for withdrawal of the said amount, the trial Court shall order for encashment of the Fixed Deposit and give directions to credit the realized proceeds to the Savings Bank account of the respondent no.1, as per the details, which may be furnished by the respondent No.1 in her application that may be filed for withdrawal of the amount. As per the undertaking already recorded by this Court

the 1st petitioner shall pay to the respondents 1 and 2 herein or deposit to the credit of the DVC No.426 of 2012 on the file of the trial Court the maintenance amount @ Rs.12,000/- per month regularly and without fail. The respondents 1 and 2 herein are permitted to withdraw the said monthly maintenance amounts as and when deposited by the 1st petitioner by following the procedure established by law. The Court below shall endeavour to dispose of the appeal as expeditiously as possible and preferably within a period of three (03) months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed.

June 30, 2017
LMV

JUSTICE M. SEETHARAMA MURTI

