

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.281 of 2005

ORDER:

The present Criminal Revision Case is preferred under Sections 397 and 401 of the Code of Criminal Procedure, 1973 questioning the order dated 25.08.2004 in CrI.R.P.No.55 of 2003 passed by the learned VI-Additional Sessions Judge (III-FTC), Warangal at Mahabubabad, whereby and whereunder, the learned Sessions Judge allowed the revision petition setting aside the order dated 25.07.2003 in M.C.No.22 of 2000 passed by the learned Judicial First Class Magistrate, Narsampet.

By the order dated 25.07.2003 in M.C.No.22 of 2000, the learned Magistrate awarded monthly maintenance of Rs.500/- to the wife, the revision petitioner herein, and also costs of Rs.300/-. Aggrieved by the same, the husband filed CrI.R.P.No.55 of 2003, seeking to set aside the order passed by the learned Magistrate, on the main ground that his evidence was not properly assessed by the learned Magistrate and the demand made by his wife that she will not join him unless he puts up business at her native place, was not taken note of. That has been the main ground, as could be gathered from the findings recorded by the lower appellate court in the order under challenge, for setting aside the order of the learned Magistrate.

Though, the revision petitioner entered appearance through Sri N. Janardhan Reddy, learned counsel, but, despite listing the matter for more than half a dozen times and even keeping it aside and taking up

during afternoon session also on 14.12.2017, still, there was no representation for the revision petitioner on that day too and, as such, it was adjourned to today to afford an opportunity. Even today, there is no representation for the revision petitioner and it appears, the revision petitioner is not inclined to avail of the opportunity.

Sri A. Prabhakar Rao, learned counsel for respondent No.2, tendered arguments.

In paragraph '16' of the order under challenge, the revisional Court referred to the aforesaid ground and extracted a portion of the cross-examination of PW.1-wife and it reads thus:

“her demand in the panchayats held before the elders that she would stay with the revision petitioner only when he is going to put up a business at Nekkonda, otherwise she is not inclined to join with him.”

Observing the demand of PW.1, the revisional court opined that the wife was not justified in demanding her husband to start the business at her native place and, therefore, held that the learned Magistrate did not take note of the said answer given by the wife in her cross-examination and, some how, omitted to properly appreciate the same. The said finding recorded by the revisional court cannot be faulted, for the reason that wife can demand her husband to set up separate family, but she cannot demand her husband to set up family at her native place, that too, to start business at her native place. The demand of the wife referred to above, certainly, exhibits her attitude as to her inkling. When looked at the grounds of the present revision case, what all stated is that

the court below ought to have taken into consideration the harassment meted out to the revision petitioner by her husband and that she has also lodged a complaint against her husband, but, these facts were not taken note of by the revisional court. In fact, there is no perversity in the findings recorded by the revisional court, as could be seen from the demand made by the wife that only if her husband starts business at Nekkonda, then only she would join him. In case unabated harassment meted out to the wife and the reason is something else that on account of the torture, to which she is subjected, she was compelled to come out of the house of her husband, she is entitled to maintenance. Therefore, there is no merit in the revision case.

Hence, the present Criminal Revision Case is dismissed.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

A. SHANKAR NARAYANA, J

15.12.2017

v v