

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9607 of 2017

ORDER :

Heard the learned counsel for the petitioner, who is the respondent to the M.C.No.10 of 2012 on the file of the Judicial First Class Magistrate, Bhadrachalam and the learned Public Prosecutor representing the State before ordering notice to respondent Nos.2 and 3 herein, who are the wife and minor son of the petitioner herein.

The petitioner impugned the order dated 05.12.2016 passed by the learned Magistrate granting maintenance @ Rs.4,000/- p.m. to the wife and Rs.2,000/- p.m. to the child, total Rs.6,000/- p.m. from the date of filing of M.C. by granting two months time from the date of the said order to pay all the arrears and to pay regularly thereafter at the same rate on or before 10th of every succeeding month. Against the same, the petitioner preferred Criminal Revision Petition No.84 of 2016 on the file of the V Additional District Judge, Kothagudem.

The grievance of the petitioner is that even he filed CrI.R.P.M.P.No.133 of 2016 pending disposal of the main revision petition, seeking stay of execution of the order of maintenance passed by the learned Magistrate, the revision Court is not disposing of the same.

A perusal of the material on record shows that there is nothing to admit the criminal petition, much less, to order notice to respondents 2 and 3 herein/ petitioners in M.C. nor to direct the learned Sessions Judge to dispose of the said CrI.R.P.M.P. after hearing, but for, to say the learned Sessions Judge shall dispose of the main revision, within two months, from the date of receipt of copy of this order. The petitioner is granted one month time to deposit half of the arrears of maintenance pending in the execution petition. So far as the remaining half is concerned, it is subject to the result of the main revision. However, this will not prevent the petitioner from payment of regular maintenance @ Rs.4,000/- p.m. to the wife and Rs.2,000/- p.m. to the child, total Rs.6,000/- p.m., without prejudice to the contest in the revision. The N.B.W. issued against the petitioner automatically ceases its force.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:13-10-2017
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Dr. B. SIVA SANKARA RAO, J