

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1153 of 2016

ORDER :

The revision petitioner, in fact, maintained the first revision in CrI.R.P.No.13 of 2014 before the XI Additional District and Sessions Judge, Tenali, and having unsuccessful, he maintained this revision, which is a bar under Section 397(3) Cr.P.C., as held by the Apex Court in Krishnan v. Krishnaveni¹. As held in Prabhu Chawla v. State of Rajasthan² that the Court may confer either under Article 227 of the Constitution of India as a revision or invoking either Section 483 or 482 Cr.P.C. in deciding the *lis* depends upon the ambit of the *lis* for the power is inherent to exercise to sub-serve the ends of justice, as also held by this Court in Sun Pharmaceuticals Ltd., Mumbai v. State of Telangana³. Hence, the same is converted into one under Section 482 Cr.P.C.

However, so far as quantum of maintenance awarded by the lower Court is concerned, there is nothing to interfere, but for, from the legal position, more particularly, from Section 125(1) Cr.P.C. of the 3rd respondent herein, who is son of the petitioner, is a major and able-bodied and nothing to show for

¹ (1997) 4 SCC 241

² 2016 (5) CTC 779

³ 2016(2) ALT CrI.165

any physical or mental infirmity, unable to maintain, he shall not be entitled for maintenance, after attaining majority.

Accordingly, to the above extent the revision is allowed in part. In other respects the impugned order holds good. Three months time is granted to pay all arrears of maintenance in three equal monthly installments and non-payment of even one installment, results in execution for the entire amount to recover.

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

Dr. B. SIVA SANKARA RAO, J

Date:17-04-2017

Note:

Issue C.C. by 18.04.2017.
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