

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE Nos.1189 & 2680 of 2017

COMMON ORDER:

The former Criminal Revision Case arises out of the order dated 04.11.2016 in CrI.M.P.No.1420 of 2016 in M.C.No.135 of 2016 on the file of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-IX Metropolitan Sessions Judge, Hyderabad, whereby and whereunder, interim maintenance of Rs.15,000/- per month was awarded to petitioner No.1 therein – wife and Rs.10,000/- per month to petitioner No.2 therein, who is the daughter of petitioner No.1 and the respondent therein, during pendency of the Maintenance Case. Questioning the said order, the husband filed the former Criminal Revision Case.

The latter Criminal Revision Case is directed against the judgment dated 24.08.2017 in Criminal Appeal No.424 of 2017 on the file of the V Additional Metropolitan Sessions Judge at Hyderabad, which has arisen from the order dated 02.02.2017 in CrI.M.P.No.1784 of 2016 in DVC.No.7 of 2016 on the file of the IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad.

In fact, the learned IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad, by her order dated 02.02.2017 in CrI.M.P.No.1784 of 2016 in DVC.No.7 of 2016 awarded a sum of Rs.20,000/- per month to the wife and daughter, towards interim

maintenance, directing the husband to pay the same on or before 10th of every succeeding month. Against the said order, when Criminal Appeal No.424 of 2017 was preferred by the husband, the learned V-Additional Metropolitan Sessions Judge, Hyderabad, holding that the order passed by the IV Metropolitan Magistrate, Hyderabad, does not suffer from any illegality, upheld the order under appeal. Against the said order, the latter Criminal Revision Case is filed by the husband.

Heard Sri Nikhilesh Athreya, learned counsel for Sri Pasam Srinivasa Reddy, learned counsel for the revision petitioner, and Sri Pramod Kumar Kedia, learned counsel for respondent Nos.1 and 2.

Irrespective of the merits in both the orders under challenge in the present Criminal Revision Cases, a consensus is arrived at between the learned counsel for either side that the order passed in CrI.M.P.No.1420 of 2016 in M.C.No.135 of 2016, which is the subject matter of the former Criminal Revision Case, be upheld with a direction to the revision petitioner – husband to deposit the entire arrears of maintenance amount to the credit of M.C.No.135 of 2016 within two weeks, and the learned Additional Judge, Family Court, be directed to dispose of M.C.No.135 of 2016 within three months from the date of receipt of a copy of this order.

Further, it is agreed by the learned counsel for either side that the interim order, dated 02.02.2017, in CrI.M.P.No.1784 of 2016 in

the said DVC passed by the learned IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad, which was confirmed by the judgment dated 24.08.2017 in Crl.A.No.424 of 2017 passed by the V Additional Metropolitan Sessions Judge, Hyderabad, be set aside without going into the arena of merits, with a direction to the learned IV Metropolitan Magistrate to dispose of the DVC, in accordance with the law declared by the Honourable Supreme Court under the provisions of the Domestic Violence Act, within three months from the date of receipt of a copy of this order.

Accordingly, as per the consensus arrived at between the learned counsel for either side, Crl.R.C.No.1189 of 2017 is dismissed upholding the order, dated 04.11.2016, in Crl.M.P.No.1420 of 2016 in M.C.No.135 of 2016 and directing the revision petitioner to deposit the entire arrears of maintenance amount to the credit of M.C within two weeks and the learned Additional Judge, Family Court, Hyderabad, to dispose of M.C.No.135 of 2016 within three months from the date of receipt of a copy of this order; and Crl.R.C.No.2680 of 2017 is allowed setting aside the order dated 02.02.2017 in Crl.M.P.No.1784 of 2016 in D.V.C.No.7 of 2016 passed by the IV Metropolitan Magistrate, Hyderabad, which was confirmed by the judgment dated 24.08.2017 in Crl.A.No.424 of 2017 passed by the V Additional Metropolitan Sessions Judge, Hyderabad, and the learned IV Metropolitan Magistrate is directed to dispose of the DVC as per the observations made in the above, within three months from

the date of receipt of a copy of this order. It is made clear that setting aside of the order passed by the IV Metropolitan Magistrate, Hyderabad, would not have any effect on the final order to be passed in the main DVC.

As a sequel thereto, miscellaneous petitions if any pending in the present revision cases, stand closed.

JUSTICE SHANKAR NARAYANA

20.11.2017

v v

