

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1737 OF 2008

JUDGMENT:

The present Criminal Revision Case is filed by the revision petitioner - husband questioning the order, dated 29.08.2008, passed in M.C. No.199 of 2006, by the learned Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Bomb Blast Case - cum - Additional Family Court - cum - XXIII Additional Chief Judge, Hyderabad, whereby and where-under, it awarded monthly maintenance of Rs.1,500/- to respondent No.1 - wife and Rs.2,000/- each to respondent Nos.2 and 3 - children from the date of petition i.e., 23.08.2006.

2. There has been no representation on behalf of the revision petitioner in the forenoon session and, therefore, the matter is called at 2.30 p.m. after-noon session. Even there is no representation for the revision petitioner.

3. The only question that arises for consideration is, whether there is any error crept in, in the order under challenge so as to accede to the request of the revision petitioner in the present Criminal Revision Case.

4. As could be seen from the material on record, the defence set up by the revision petitioner was that in fact, he was necked out

from the house by respondents and he has been residing separately from them, but the evidence is otherwise. It is clear that having addicted to vices, the revision petitioner himself stopped going to respondent No.1 and neglected to look after the welfare of respondent Nos.2 and 3. There has been certain instances spoken to by PW.1 in her chief-examination and elders mediation being convened, but even he did not adhere to the advice of the elders and, thus, the right of respondent Nos.1 to 3 as petitioners in Maintenance Case for a separate residence cannot be faulted and finding recorded thereon by the learned Judge, Additional Family Court cannot also be faulted.

5. Turning to the source and earnings of the revision petitioner, he was working as Postal Assistant in the Post Office, drawing a monthly salary of Rs.18,500/- according to respondent No.1. Ex.R-2, which is a salary slip, submitted by him itself would show that he was earning Rs.17,260/- per month towards gross salary. But, what all has been found by the learned Judge has been that deliberately he designed showing excessive deductions in his salary slip to the tune of Rs.13,579/- and it was so done to avoid payment of adequate maintenance to respondent Nos.1 to 3. The pay-slip which he has filed was subsequent to filing of maintenance case and, therefore, certainly, the reasoning adopted by the learned Judge in commenting upon the evidence of RW.1 i.e., revision petitioner and making elaborate analysis, is on correct lines in arriving at the finding.

The learned Judge has also placed reliance in **Vinod Kumar v. Vandana**¹, for the proposition that only statutory deductions, like provident fund etc. are to be taken into consideration, and voluntary deductions, like payment of loans cannot be taken into consideration.

6. Thus, viewed from any angle, the award of maintenance amounts of Rs.1,500/- to respondent No.1 and Rs.2,000/- each to respondent Nos.2 and 3 towards their monthly maintenance cannot be construed as excessive or exorbitant, when viewed in the context of cost of living even in the year 2008. There is no merit in the present Criminal Revision Case.

7. The Criminal Revision Case is, accordingly, dismissed, confirming the order, dated 29.08.2008, passed in M.C. No.199 of 2006 by the learned Judge, Additional Family Court, Hyderabad.

As a sequel thereto, Miscellaneous Petitions, if any, pending in criminal revision case, stand closed.

A. SHANKAR NARAYANA, J

November 14, 2017.

Mgr

¹. 1986 (3) Crimes 259