

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1225 of 2005

ORDER:

The present Criminal Revision Case is preferred questioning the order dated 11.03.2004 passed in M.C.No.63 of 2002 by the learned Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court, Hyderabad, whereby and whereunder, the petition under Section 125 of the Code of Criminal Procedure (for short, 'the Code') filed by the petitioner – wife, for maintenance, was dismissed.

The petitioner is the wife of respondent No.1 herein. She preferred the present revision by raising various grounds, more particularly, in relation to appreciation of the court below on settlement deed dated 08.03.2002. It is her case that she is not conversant with English language and the settlement deed was written in English and, without knowing the purport or consequence thereof, she subscribed her signature thereto, which, the court did not take note of and, thereby, she suffered miscarriage of justice.

Though, the criminal revision was filed on 01.09.2004, it came on to the Bench for the first time on 14.09.2004 and, later, numbered in the year 2005. When it came up on the last occasion recently, since there was no representation for the revision petitioner, the Registry was directed to list the revision case under the caption 'for orders'.

Today also, there is no representation for the revision petitioner.

The short question involved in the present revision case is whether the explanation offered by the revision petitioner or rather the case set out by her that her signature was obtained without explaining the terms in the settlement deed, dated 08.03.2002, is convincing to accede to it?

The aforesaid M.C was filed by the petitioner under Section 125 of the Code seeking maintenance. The said request was resisted to by the respondent before the Court below setting out the settlement deed and Ex.R.1 – certified copy of the receipt, dated 28.02.2002, marked during trial.

By examining the terms of the settlement deed, in the light of the answers given by PW.1 in her cross-examination, and placing reliance on the ruling in **Kamatham Venkatamma v. Kamatham Buruju Ramanna**¹, for the proposition that when a final settlement has been arrived at between husband and wife, it should not easily be taken away or set aside on the ground that the amount paid is only pittance and reasonable amount has to be awarded and that when substantial issues of civil law are raised between the parties, their remedy lies only in the civil court, the learned Additional Metropolitan Sessions Judge observed that when the petitioner herself admitted that she received Rs.70,000/- towards permanent alimony, she is disentitled for grant of further maintenance.

¹ 1989 (2) AP Law Journal 186

When the grounds raised in the present revision case are perused, nothing else is found, except again reiterating what has been stated in the petition filed in the M.C. In such an event, certainly, it cannot be said that the order passed by the Court below suffers from legal infirmity warranting interference. There is no merit in the present revision case.

Hence, the present Criminal Revision Case is dismissed.

Miscellaneous applications, if any pending in this revision case stand closed.

10.11.2017
v v

JUSTICE A.SHANKAR NARAYANA

