

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.2609 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 Cr.P.C. challenging the order dated 07.09.2016 passed in CrI.M.P. No.1687 of 2016 on the file of the Metropolitan Sessions Judge, Hyderabad.

2. Heard both sides and perused the record.

3. A perusal of the record reveals that the second respondent herein is the petitioner and the petitioner herein is the respondent in DVC No.231 of 2015 on the file of the IV Metropolitan Magistrate, Hyderabad. The second respondent herein filed CrI.M.P.No.146 of 2016 in DVC No.231 of 2015 claiming interim maintenance. After affording reasonable opportunity to both parties, the trial court allowed the petition by granting interim maintenance of Rs.6000/- to the petitioners 2 and 3 therein. Feeling aggrieved by the orders of the trial court, the petitioner herein filed CrI.A.No.\_/2016, along with petition in CrI.M.P.No.1687 of 2016 to condone the delay of 65 days in filing the criminal appeal. For one reason or the other, the petitioner herein did not appear before the appellate court. The appellate court, having no other alternative, dismissed CrI.M.P.No.1687 of 2016, for default.

4. If the present revision is not allowed, it may not be possible for the petitioner to ventilate his legitimate and legal grievance. Even if the petition is allowed, the same may not cause any prejudice to the respondent. The approach of the court shall be pragmatic and predominant while disposing of the application in this nature. Having

regard to the facts and circumstances of the case, this is a fit case to allow the revision.

5. In the result, the criminal revision case is allowed, setting aside the order dated 07.09.2016 passed in CrI.M.P.No.1687 of 2016 and consequently, the said petition is restored.

Pending miscellaneous petitions, if any, in this case, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 03.01.2017.  
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