

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.407 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner, to quash the order, dated 15.12.2016, passed in CrI.R.P.No.61 of 2016 by the I Additional Sessions Judge, Ongole, Prakasam District, by confirming the order, dated 30.09.2016, passed in CrI.M.P.No.1930 of 2015 in M.C.No.11 of 2015 by the Additional Judicial Magistrate of First Class, Kandukur, Prakasam District.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Andhra Pradesh) appearing for the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner is working as Office Subordinate from 16.08.2016 till date and earning a monthly salary of Rs.6,000/- under the management of Adams English High School. The learned counsel for the petitioner had conceded that the petitioner is a graduate. The learned counsel for the petitioner further contended that the trial Court has granted monthly maintenance of Rs.5,000/- in favour of respondents 1 and 2 herein by way of interim arrangement, vide order, dated 30.09.2016, passed in CrI.M.P.No.1930 of 2015 in M.C.No.11 of 2015, which is excessive. The petitioner has to take care of his old aged parents and ultimately prayed to quash the order, dated

15.12.2016, passed in CrI.R.P.No.61 of 2016 by the I Additional Sessions Judge, Ongole, Prakasam District.

4. On the other hand, the learned Public Prosecutor, while supporting the impugned order of the Court below, submitted that there is nothing to interfere with the reasoned order passed by the Court below.

5. The point for determination is whether the contentions raised by the petitioner are sustainable.

6. Aggrieved by the order, dated 30.09.2016, passed in CrI.M.P.No.1930 of 2015 in M.C.No.11 of 2015 by the Additional Judicial Magistrate of First Class, Kandukur, Prakasam District, the petitioner filed Criminal Revision Petition No.61 of 2016 before the I Additional Sessions Judge, Ongole, Prakasam District. The Sessions Court, vide order, dated 15.12.2016, confirmed the interim maintenance granted by the Additional Judicial Magistrate of First Class, Kandukur, Prakasam District, in favour of the respondents 1 and 2 herein by dismissing the said Criminal Revision Petition. There is record to show that the petitioner is a landlord and earning Rs.30,000/- per month. He is also getting an income of Rs.1,00,000/- from agriculture. Moreover, the petitioner is a graduate. The salary certificate produced by the petitioner showing his monthly salary at Rs.6,000/- cannot be taken into consideration to determine the interim maintenance granted to the respondents 1 and 2 herein. The Additional Judicial Magistrate of First Class, Kandukur, Prakasam District, while dealing with the subject matter in this

Criminal Petition, had elaborated all the points relating to the award of interim maintenance and ultimately granted a sum of Rs.5,000/- per month to the respondents 1 and 2 herein towards interim maintenance. The findings of the both Courts are based on record. In these circumstances, there is nothing to take a different view and vary the order of maintenance granted by the Additional Judicial Magistrate of First Class, Kandukur, Prakasam District, and confirmed by the Sessions Court. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.

Pending miscellaneous petition, if any, in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

23rd October, 2017
Bvv

