

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.642 OF 2014

ORDER:

The present Criminal Petition is filed requesting to invoke the extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, by way of quashment of the order dated 19.12.2016 passed by the learned Additional Sessions Judge, Madanapalle in Criminal Revision Petition No.50 of 2016 in M.C. No.34 of 2011 including arrest of the petitioner viz., M.S. Tanveer Basha in Criminal M.P. No.4780 of 2015 in M.C. No.34 of 2011.

2. But, the main prayer asked after conclusion of the grounds in the petition is to call for the records relating to the order dated 14.10.2016 passed by the learned Additional District and Sessions Judge, Madanapalle in Criminal Revision Petition No.50 of 2016 and to set aside the same.

3. Sri A.P. Reddy, learned counsel for the petitioner, points out the order of the learned II Additional Judicial Magistrate of First Class, Madanapalle, dated 26.04.2016, whereby and whereunder, the learned Magistrate has granted maintenance of Rs.1,500/- per month to petitioner No.1 therein and Rs.1,000/- per month each to petitioner Nos.2 and 3 therein, thus making a total of Rs.3,500/- per month. Then, the learned counsel for the petitioner draws attention of this

Court to the order passed by the Revisional Court in Criminal Revision Petition No.50 of 2016 dated 14.10.2016 to the effect that the Court while affirming the order of the learned Magistrate, somehow, mentioned the amount as Rs.4,500/- per month at four places in paragraph No.10 and that has been the ground agitated to quash the said order.

4. So far as the maintenance awarded by the learned Magistrate is concerned, it is confirmed in toto by the Revisional Court. But, the Revisional Court, somehow, mentioned the amount as 'Rs.4,500/-' instead of mentioning the correct amount as 'Rs.3,500/-'. Thus, there is a mistake crept into the order of the Revisional Court and it requires correction and the same can be got done by the petitioner by invoking the provision of Section 362 of the Code of Criminal Procedure, 1973, where a clerical or arithmetical error can be corrected. *Ex facie* the amount of 'Rs.4,500/-' mentioned in paragraph No.10 at four places is nothing but on account of arithmetical error and the same can be corrected under Section 362 of Code of Criminal Procedure, 1973. Therefore, it is open for the petitioner to approach the Revisional Court and get the same corrected by filing a relevant petition.

5. With the above directions, the Criminal Petition is disposed of at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

January 30, 2017.

NOTE:

Dispatch the order by 31.01.2017.

(BO) PV

