

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.593 of 2017

ORDER:

This criminal petition is filed seeking for quash of the order of the VI Additional Sessions Judge, Kurnool in CrI.R.P.No.49 of 2016 dated 05.06.2016.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and with their consent, the criminal petition is disposed of at the admission stage.

3. A petition was filed by the respondent herein, who is the wife of the petitioner herein, seeking for maintenance @ Rs.20,000/- per month. The Court below, at the first instance, by considering the facts of the case awarded Rs.7,000/- per month in MC.No.20 of 2015 dated 19.05.2016 and by virtue of the impugned order in CRLRP.No.49 of 2016 dated 05.06.2016 it was reduced to Rs.5,000/-.

4. The counsel for the petitioner submits that the petitioner is only a Hindi teacher in a small village drawing Rs.6,000/- per month and hence, awarding Rs.5,000/- per month would put the petitioner to deep hardship where he cannot sustain himself. But the order of the Court below shows that absolutely no material was furnished to the Court on the basis of which a proper calculation could be made, as to what the maintenance to the respondent should be.

5. When the petitioner contends that he is a salaried employee in a private school, there can be nothing to stop him from filing his salary certificate pertaining to the current month, but he did not choose to do

so thereby the only option left to the Court below is to make an assumption with regard to the monthly salary of the petitioner. Hence, without there being any further material put before this court, there cannot be any different assumption other than the one made by the Court below. Hence, in the circumstances, the assumption made by the Court below with regard to the income of the petitioner as Rs.12,000/- per month, Rs.5,000/- granted to the respondent herein by the Court below cannot be termed as exorbitant. Hence, there is no need to interfere with the order of the revision court.

With the above observations, the criminal petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 16, 2017
LMV



T. RAJANI, J