

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1783 of 2005

ORDER:

This Criminal Revision Case, under Sections 397 and 401 Cr.P.C., is filed questioning the propriety and legality of the order, dated 25.07.2005, passed in Criminal Revision Petition No.38 of 2004 by the V Additional District & Sessions Judge (Fast Track Court), Ongole, reversing the order, dated 05.09.2003, passed in M.C.No.19 of 2002 by the III Additional Munisf Magistrate, Ongole.

2. The petitioner herein is wife of the respondent herein. The marriage of the petitioner with the respondent was performed on 04.10.1989 as per Hindu rites and caste custom. During their wedlock, they were blessed with a daughter. Subsequently, the respondent developed illicit intimacy with one Deena of Chirala Village and has driven out the petitioners from the house. The respondent is working in Telephone Department and he refused and neglected her. As the petitioner is unable to maintain herself, she filed M.C.No.19 of 2002 seeking maintenance at the rate of Rs.1,000/- per month each.

3. The respondent filed counter denying the averments made in the petition while contending that the petitioner herself deserted the respondent and she did not allow the respondent to live along with her; that the petitioner is working as Anganwadi Teacher and getting sufficient income; that the respondent is working as a casual Mazdoor and earning Rs.300/- per month at the time of marriage and presently the respondent is drawing the salary of Rs.3,000/- per month on temporary basis in Telephone

Department; that the petitioner is leading adulterous life with one Deva of Chirala Village; that the petitioner is having landed properties and own house at Ammanabrolu Village and hence, he prays to dismiss the petition.

4. The trial Court, upon considering the oral and documentary evidence, allowed the petition directing the respondent to pay an amount of Rs.400/- per month to the first petitioner and Rs.250/- per month to the second petitioner. Aggrieved by the said order, the respondent filed Crl.R.P.No.38 of 2004 before V Additional District & Sessions Judge (Fast Track Court), Ongole. The learned Sessions Judge after considering the material on record, allowed the criminal revision petition. Challenging the same, the present revision case is filed by the petitioner.

5. When the matter is reached for hearing, learned counsel for the petitioner neither appeared nor advanced any argument.

6. As seen from the cause title of the revision case, the petitioner is working as Anganwadi Teacher at N.G.Padu, Prakasam District. The petitioner also did dispute the factum of earning Rs.1,000/- per month as Anganwadi Teacher by the date of deciding the Criminal Revision Petition. Therefore, the undisputed fact is that the petitioner is working as Teacher, whereas the respondent is working in Telephone Department at Kovur by then.

7. Section 125 Cr.P.C., enables the Courts to grant maintenance to the wife, children and parents, who are having no means to maintain themselves. But, here, the petitioner is having

sufficient means to maintain herself being Anganwadi Teacher and earning Rs.1,000/- per month by the date of filing of Criminal Revision Petition. Therefore, the petitioner is disentitled to claim any maintenance from the respondent as she is having sufficient means. Therefore, the fact finding recorded by the learned Sessions Judge cannot be reversed in the present revision, consequently criminal revision case is liable to be dismissed.

8. In the result, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

SEPTEMBER 21, 2017
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M. SATYANARAYANA MURTHY, J



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Date: 21.09.2017

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