

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1216 of 2017

ORDER:

This criminal petition is filed seeking for quashing of the order of the Additional Judicial Magistrate of First Class, Kadiri, Anantapur District passed in CRLPMP.No.3151 of 2015 in MC.No.29 of 2015 dated 13.07.2016, by virtue of which the Court below ordered Rs.4,000/- as maintenance to the petitioner therein, as confirmed in CRLRP.No.42 of 2016 in MC.No.29 of 2015 dated 15.12.2016.

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. None appears for the 2nd respondent, in spite of service of notice.

3. A perusal of the order of the Court below would show that the contention of the petitioner therein was that the respondent was earning Rs.30,000/- per month. The same was refuted by the respondent, but the Court below observed that no salary certificate was filed by either side. When the petitioner therein contends that the salary is Rs.30,000/- and when the same is denied by the respondent and when he asserts that he is earning only Rs.12,000/- per month, it is his burden to prove that he was earning Rs.12,000/- per month. His failure to file salary certificate which would only lead to an inference that he is earning more than what is stated. Rs.4,000/- per month cannot be termed as an exaggerated figure in the background of the present day inflation. Hence, absolutely there does not seem to be any reason to interfere with the order of the Court below.

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

October 13, 2017
LMV

T. RAJANI, J

