

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No. 2129 of 2011

ORDER:

This petition is filed by the petitioner seeking for quash of the order, dated 14.12.2010, passed in CrI.R.P.No.52 of 2010 of the Sessions Judge, Anantapur, by virtue of which the court below dismissed the revision, which was filed by the petitioner herein against the order, dated 14.07.2010, passed in M.C.No.12 of 2008 of the Additional Judicial Magistrate of First Class, Kadiri.

2. Heard counsel for the petitioner, the public prosecutor for R2 and learned counsel for R1.

3. The Additional Judicial Magistrate of First Class while deciding the maintenance petition filed by 1st respondent herein awarded Rs.1,200/- per month towards her monthly maintenance. Questioning the same, both the 1st respondent herein/wife and the petitioner herein/husband filed two revisions viz., CrI.R.P.Nos.50 and 52 of 2010 respectively, and the same were dismissed by the impugned order confirming the order of Additional Judicial Magistrate of First Class, Kadiri.

3. The Court below observed that except the oral evidence, there was no material to show that the petitioner herein was doing sanitary business, as alleged by the 1st respondent, and the Court below considered the consistent evidence of PWs.1 and 2 that the petitioner herein is running an auto. Hence, in the light of the conclusion drawn by the Court below that the

petitioner, who is the 1st respondent therein, was running an auto and awarding Rs.1,200/- per month towards maintenance of 1st respondent, cannot by any means be termed as excessive. Hence, this court opines that absolutely there is no need to interfere with the impugned order.

The Criminal Petition is, accordingly, dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 9, 2017
LMV

T. RAJANI, J

