

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1245 OF 2007

JUDGMENT:

The present Criminal Revision Case is filed by the revision petitioner, who is husband of respondent No.1 and father of respondent No.2, questioning the order, dated 29.06.2007, in Maintenance Case No.38 of 2006, passed by the learned Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case - cum - Additional Family Court, Hyderabad, whereby and whereunder, awarded an amount of Rs.1500/- each to the petitioners towards their monthly maintenance from the date of petition i.e., 14-02-2006, and the maintenance awarded to the petitioner No.2 was till she attains age of majority.

2. Though, the present Criminal Revision Case relates to the year 2007, there is no representation for the petitioner. Mrs. E.T. Manjushaa, learned counsel for respondent Nos.1 and 2 is present.

3. The learned counsel for respondent Nos.1 and 2 would submit that in fact, the parties effected compromise in the year 2010 settling the criminal case where the offence punishable was under Section 498-A IPC and the present Criminal Revision Case, and the amount settled was Rs.6,00,000/- (Rupees six lakhs only) and, therefore, the present revision renders infructuous.

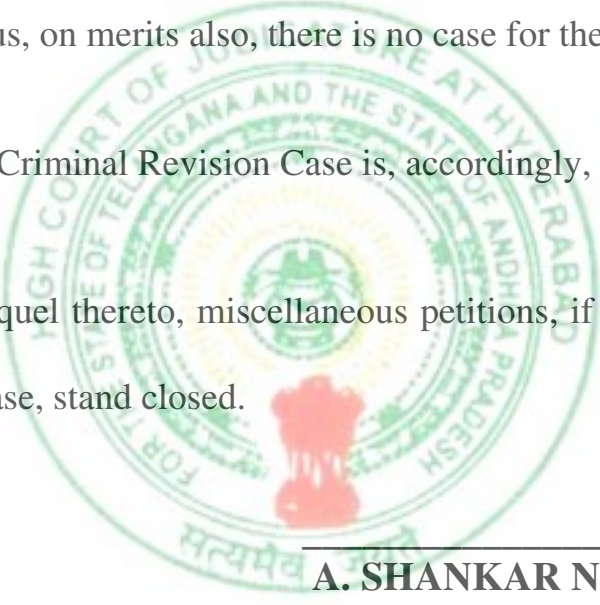
4. Though, there is no representation for the petitioner, it is decided to dispose of the present Criminal Revision Case looking at merits.

5. Before the learned Sessions Judge, on behalf of respondent Nos.1 and 2 herein, respondent No.1 examined herself as PW.1 and one Mr. Ajay Kumar as PW.2 and marked Exs.P1 to P3, whereas on behalf of the petitioner herein, besides examining himself as RW.1, he has also examined his father, Mr. P.C. Sarkar, as RW.2 and marked Exs.R-1 and R-2. The learned Sessions Judge having favoured with respondent Nos.1 and 2 herein on point No.1; on point No.2, finding that the petitioner herein was working as Government Employee in Passport Office, earning Rs.12,000/- per month towards his salary and deriving Rs.3,000/- towards rentals per month owning a house and holding that Ex.R-1 is a fabricated document and even none connected with Ex.R-1 was examined, and assigning cogent reasons there-for holding that he was possessing sufficient means and source of income, and that father of the petitioner herein examined as RW.2 is a pensioner, and there was no necessity to depend on him, opined that it would be just and equitable to award Rs.1,500/- per month to each of the respondent Nos.1 and 2 and, accordingly, answered the said point. However, so far as respondent No.2 is concerned, the monthly maintenance of Rs.1500/- was limited to the date she attains the age of majority.

6. Though, in paragraph No.7 of the grounds of revision, the petitioner agitated that he is a Government Employee, earning Rs.12,000/-, certainly, that submission or the ground is to be held without any merit. The amount of Rs.1500/- granted towards maintenance to each of the respondent Nos.1 and 2 herein cannot be viewed as exorbitant or excessive, when kept in view the nature of job the petitioner was doing and his monthly earnings. Therefore, such finding cannot be interfered as it does not suffer from any patent illegality. Thus, on merits also, there is no case for the petitioner.

7. The Criminal Revision Case is, accordingly, dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision case, stand closed.



A. SHANKAR NARAYANA, J

November 02, 2017.

Mgr