

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.R.C.No.1529 of 2017

JUDGMENT:

This petition is filed under Sections 397 and 401 of Cr.P.C challenging the order dated 08.03.2017 in Crl.M.P.No.257 of 2016 in M.C.NO.193 of 2014 passed by the Judge Family Court Ranga Reddy District enhancing maintenance to Rs.10,000/- from Rs.2,000/- per month to the respondent on various grounds.

The respondent filed detailed counter.

As seen from the order passed by the Court below, it is an order under Section 127 Cr.P.C. for enhancement of maintenance, in view of changed circumstances. Section 127 deals with alteration in allowance subject to proof of a change in the circumstances of any person, receiving, under Section 125 a monthly allowance for the maintenance or interim maintenance, or ordered under the same section to pay a monthly allowance for the maintenance, or interim maintenance, to his wife, child, father or mother, as the case may be, the Magistrate may make such alteration, as he thinks fit, in the allowance for the maintenance or the interim maintenance, as the case may be.

Here, the Judge, Family Court passed four line order without recording any finding as to the changed circumstances after granting maintenance in the proceedings under Section 125 Cr.P.C. Therefore, the cryptic order without recording finding that there are changed circumstances is unsustainable, as it is irregular and contrary to the proceedings. Thus, the order of the Court below is liable to be set aside.

Accordingly, Crl.R.C is allowed by setting aside the order dated 08.03.2017 in Crl.M.P.No.257 of 2016 in M.C.NO.193 of 2014 passed by the Judge, Family Court, Ranga Reddy District and the matter is remanded to the Judge, Family Court with a direction to conduct

necessary enquiry and record specific finding as to the changed circumstances after granting maintenance at enhanced rate under Section 127 Cr.P.C. after affording reasonable opportunity to both parties.

Miscellaneous petitions, if any, pending in the criminal revision case, shall stand closed.

M. SATYANARAYANA MURTHY J

Date: 03.08.2017
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