

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10014 of 2010

ORDER:

Heard learned counsel for the petitioner and learned counsel for respondent No.1 and perused the material on record.

2) This Criminal Petition is filed impugning the order dated 21.09.2010 passed in CrI.R.P. No.16 of 2010 by the III Additional District and Sessions Judge (Fast Track Court) at Medak in confirming the order dated 29.03.2010 passed in M.C. No.30 of 2008 by the Judicial Magistrate of First Class at Medak, awarding maintenance of Rs.2,500/- per month to the wife. By virtue of Section 397 (3) Cr.P.C, this Criminal Petition is not maintainable as it is in the nature of second revision.

3) It is one of the contentions before the Court that there was settlement nama executed on 03.03.1991 outside the Court but for undisputedly, they are Hindus. Once such is the case, the marital relationship between the petitioner and respondent No.1 is terminated, which is not in dispute and the trial Court has rightly allowed the maintenance case and the revisional Court has rightly dismissed the revision confirming the order passed by the trial Court.

4) So far as the means and quantum is concerned, the petitioner is undisputedly RTC driver earning handsome salary whereas respondent No.1 is a beedi worker and he could not produce any document among Exs.R1 to 7 much less from his evidence and through another witness examined as RW.2—Narender Goud showing that she is a beedi worker.

5) Having regard to the above, there is nothing to interfere with the concurrent finding of both the Courts below in awarding Rs.2,500/- per month towards maintenance, this Criminal Petition is dismissed directing the petitioner to pay all the arrears to the respondent No.1 within four (04) months from the date of receipt of copy of this order and the learned Magistrate can execute on application.

6) Pending miscellaneous petitions, if any, shall stand closed.

Date: 31.08.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

