

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.205 of 2009

JUDGMENT:

This Criminal Revision Case has been coming up for admission since 2009 year. The revision petitioner is the husband and 1st respondent is the wife, whereas respondents 2 and 3 are their children.

2. The learned Judge, Family Court, Secunderabad, by his order, dated 27.12.2008, in M.C. No.21 of 2008, in a claim made by the respondents 1 to 3 herein under Section 125 of Criminal Procedure Code, 1973 (for short, 'Cr.P.C.') requesting to grant maintenance of Rs.4,000/- per month to each of them, having examined P.Ws.1 to 3 and marking Exs.A1 to A6 and Exs.X1 to X8 and the respondent-husband as R.W.1, formulated the points in paragraph-6 and appreciating the evidence on record, recorded the findings that the petitioners were entitled to maintenance and observing that the revision petitioner was working as Driver on temporary basis, awarded Rs.1,500/- to the 2nd petitioner and Rs.1,000/- to the 3rd petitioner from the date of petition till they attain the majority, while rejecting the claim of the 1st petitioner-wife (P.W.1) on the ground that in her chief-examination as well as in the cross-examination stated that she was working as an Associate in G.E. since four years on a monthly remuneration of Rs.7,000/- while denying the suggestion that she was drawing Rs.25,000/- per month towards salary.

3. The grounds raised in the present Revision are that the learned Judge, Family Court, did not appreciate the evidence in proper perspective and mechanically awarded maintenance amount to the respondents 2 and 3 herein while observing that the salary of the revision petitioner was Rs.3,000/- or Rs.3,500/-. It is also mentioned that the revision petitioner has been facing trial for the offence under Section 498-A of IPC as well as D.V.C. No.11 of 20107 before the concerned Courts, and, therefore, sought to set aside the order granting maintenance to the respondents 2 and 3.

4. On 12.2.2009, when the Criminal Revision Case came up for admission, notice was ordered while disposing Criminal R.C.M.P.No.256 of 2009 suspended the order, however, directing the revision petitioner to deposit 50% of the arrears of maintenance awarded by the trial Court within eight weeks, and also directed to continue to pay the regular maintenance at the same rate.

5. Thereafter, of course, the matter has come again on 30.04.2009 and the Registry was directed to list the Revision for 'final hearing' in the usual course.

6. However, the Revision Case was not admitted. When the matter is listed today, there is no representation. In fact, Maintenance Case relates to the year 2008 and Criminal Revision Case relates to the year 2009, and, thus, for the past eight years the Revision has been pending for admission.

7. When the case is listed, it is for the revision petitioner to take advantage of hearing, but, somehow, there is no representation for the petitioner.

8. When the material available on record is perused and the evidence of R.W.1 is scanned and the evidence of P.Ws.1 to 3, it cannot be said that the findings recorded by the learned Judge, Family Court, suffer from any legal infirmity. The Family Court was considerate in awarding maintenance at Rs.1,500/- per month to the 2nd respondent and Rs.1,000/- per month to the 3rd respondent while rejecting the claim of the 1st respondent for awarding Rs.4,000/- per month towards her monthly maintenance, having found that the 1st respondent is working and drawing salary of Rs.7,000/- per month, even according to her own admission.

9. Therefore, there is no merit in the Criminal Revision Case, and, accordingly, the same is dismissed at the stage of admission.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case, shall stand closed.

A. SHANKAR NARAYANA

Dt.15.11.2017
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