

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1675 OF 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code' for brevity), is filed by the petitioner/husband assailing the docket order, dated 01.06.2017, of the learned Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad, L.B.Nagar, passed in CrI.M.P.No.1759 of 2016 in D.V.C.No.33 of 2013.

2. I have heard the submissions of *Sri B.Rajavardhan Reddy*, learned counsel for the petitioner/husband at the stage of admission. I have perused the material record.

3. As per the facts borne out by the material record and the submissions made, the D.V.Case filed by the first respondent-wife was disposed of on merits by the trial Court. Aggrieved thereof, the petitioner/husband filed an appeal before the Court of learned II Additional District Judge, Ranga Reddy, and the said appeal is pending. In the said appeal, an application for stay of all further proceedings in D.V.Case is filed. However, as no stay orders are granted, the first respondent-wife filed an Enforcement Petition viz., CrI.M.P.No.1759 of 2016. The docket order passed in the said MP, which is impugned herein, verbatim reads as under:

'Petitioner present, Respondent present. Respondents ready to pay Rs.20,000/-. But the petitioner not accepting, however accepted the amount of Rs.20,000/- and acknowledged the same, at request of respondent for payment of remaining amount. Call on 15.6.2017.'

Challenging the said order, the present revision case is filed.

4. Learned counsel for the petitioner would submit that during pendency of the appeal, the Enforcement Petition is filed and that as there is a threat of arrest, the petitioner made part payments and, as of now, 50% of the arrears are already paid and therefore the further enforcement of the D.V.Case, which is subject matter of the appeal before the Court at Ranga Reddy, may be stayed pending disposal of the revision case.

5. Having given detailed and thoughtful consideration to the facts and submissions, this Court is of the considered view that the Revision Case, assailing the afore-stated docket order, is misconceived and that it is for the petitioner to obtain an appropriate order/interim order in the afore-stated appeal pending on the file of the Court of the learned II Additional District Judge, Ranga Reddy District. Viewed thus, this Court is of the view that the revision case is liable for dismissal at the stage of admission.

6. However, at the hearing, the learned counsel for the petitioner would submit that to sub-serve the ends of justice, a direction may be given to the learned II Additional District Judge to take up and dispose of Crl.A.M.P.No.377 of 2015 pending in the afore-stated Criminal Appeal No.1133 of 2015.

7. Accordingly, the Criminal Revision Case is dismissed directing the learned II Additional District Judge, Ranga Reddy, to dispose of Crl.A.M.P.No.377 of 2015 in Crl.A.No.1133 of 2015, as expeditiously as possible, and preferably within one month from

today, however, in strict accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

June 22, 2017

Note: -

Furnish copy tomorrow.

{B/o}

LMV

