

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE Nos.593 AND 1612 of 2017

COMMON ORDER:

These criminal revision cases are filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), questioning the order, dated 29.12.2016, passed in CrI.M.P.No.64 of 2016 in M.C.No.1 of 2016 by the IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District, whereby the I-Additional Family Judge awarded interim maintenance of Rs.10,000/- to wife and Rs.20,000/- to the child. The wife and child dissatisfied with the interim maintenance awarded by the Court below filed CrI.R.C.No.1612 of 2017, whereas the husband filed another CrI.R.C.No.593 of 2017 questioning the quantum of interim maintenance without taking into consideration of the salary of the husband.

2. In fact, the Court below considered the salary of the husband while passing order, but it was not marked as exhibit. During hearing, Sri Ashok Kumar Agarwal, learned counsel for the wife and child, contended that the wife is not working at present due to lay-off in industry and thereby she is entitled to claim maintenance at Rs.1,50,000/- per month for both wife and child.

3. The jurisdiction of this Court under Sections 397 and 401 Cr.P.C. is limited and when the Court finds that there is irregularity in the order passed by the Court below, this Court can set aside the

order. Considering the salary slip of the husband without marking it as exhibit is an irregularity. Hence, the order passed by the Court below is hereby set aside, remanding the matter to the I-Additional Family Judge, Ranga Reddy, to decide the petition afresh by following the prescribed procedure for marking the document, though it is interlocutory in nature and pass appropriate orders in accordance with law affording reasonable opportunity to both parties.

4. In the result, both the criminal revision cases are allowed setting aside the order, dated 29.12.2016, passed in CrI.M.P.No.64 of 2016 in M.C.No.1 of 2016 and remanded the matter to the I-Additional Family Judge, Ranga Reddy District, to decide the application afresh, according to law, within one month from the date of receipt of copy of the order.

5. Miscellaneous petitions pending, if any, in both the revision cases shall stand closed.

M. SATYANARAYANA MURTHY, J

23rd October 2017.

Note:

Issue C.C. on 25.10.2017.

(b/o)
mar