

**HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL REVISION CASE No.3212 OF 2016**

**ORDER:**

Impugning the interim maintenance granted on 04.05.2016 in CrI.M.P. No.3212 of 2016 in DVC No.39 of 2015 at Rs.12,000/- per month to 1<sup>st</sup> petitioner—wife, Rs.3,000/- to the 2<sup>nd</sup> petitioner—child by the learned Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad from the revision petitioner as appellant maintained CrI.A. No.488 of 2016 before the Additional Metropolitan Sessions Court, Cyberabad at L.B Nagar, Ranga Reddy District. The lower appellate Court by judgment dated 27.10.2016 modified to Rs.5,000/- per month from Rs.12,000/- per month to 1<sup>st</sup> petitioner by reducing while confirming the maintenance of Rs.3,000/- per month to 2<sup>nd</sup> petitioner, the present revision is maintained.

2) Heard both sides and perused the material on record.

3) It is the contention of the learned counsel for the petitioner that he is an employee in a service station and getting only Rs.8,000/- per month as salary from the salary certificate claimed. The salary certificate itself cannot be given credence that too, when he maintains a car, which is though claimed provided by his brother at abroad in his name. This is infact a matter to be decided after full dressed trial including by filing proof of any account regarding salary paying to the so-called employee and proof of income and proof of purchase of car by

his brother for the burden lies on the revision petitioner to establish the same.

4) Having regard to the above, for this Court while sitting in revision there is nothing to interfere.

5) Accordingly and in the result, the revision is disposed of, without prejudice to that contest and with a direction to the learned Magistrate to dispose of the D.V.C. within three months from the date of receipt of a copy of this order.

6) Consequently, pending miscellaneous petitions, if any, shall stand closed.

Dt.03.03.2017  
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