

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 8755 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the order dated 12-07-2017 in CrI.M.P.No. 384 of 2017 in M.C.No. 13 of 1991 on the file of the learned Judge, Family Court at Khammam (for short, 'the Court below').

2. The petitioner filed the abovementioned M.P. under Section 128 Cr.P.C. for recovery of the enhanced maintenance amount from the date of the petition. The Court below did not consider the date of filing the petition and committed an error. While exercising power under Section 482 Cr.P.C., this Court cannot undertake the exercise of calculating the enhanced amount from the date of the petition. Therefore, it is a fit case to order re-trial while exercising power under Section 482 Cr.P.C. and the Court below is directed to calculate the period and the amount due rectifying the miscalculations.

3. With the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 14-11-2017.

JSK

M.SATYANARAYANA MURTHY, J.