

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2760 of 2017

ORDER:

The present petition is filed against the order dated 27.02.2017 passed in CrI.M.P.No.141/2017 in FCMC No.41/2016 by the III Additional Sessions Judge, Vizianagaram, whereby and whereunder a sum of Rs.5,000/- per month towards interim maintenance was granted, besides granting Rs.2,000/- towards costs of the petition. Said request is made by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code').

Heard Smt.Kandarpa Vani, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

No notice is required to be served on the unofficial respondent for the reason the order under challenge is not interfered with.

Learned counsel's main submission is that the petitioner herein is doing petty business and earning a very meagre amount and it would be severe hardship in directing him to pay Rs.5,000/- towards interim maintenance and therefore, seeks to set aside the order.

Ex facie the order is with cogent reasons. In fact, the learned III Additional Sessions Judge has observed in paragraphs 8 and 9 that the petitioner herein was only projecting that he was suffering from heart problem, but nowhere in the counter it is found that the

petitioner stated that he was earning such and such amount or the sources of income. In such an event, further, when the respondent-wife took the stand that the petitioner was earning Rs.40,000/- per month by doing business and also getting other income, when the same is not controverted specifically, certainly, the amount of Rs.5,000/- granted towards interim maintenance cannot be viewed as on higher side. There is no patent illegality warranting interference with the order under challenge. Therefore, the petition is dismissed.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

A.SHANKAR NARAYANA, J

Date: 04.04.2017
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