

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.1009 OF 2011

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., assailing the order, dated 08.04.2011 in M.P.No.123 of 2011 in M.C.No.38 of 2010 on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Addl. Family Court-cum-XXIII Addl. Chief Judge, Hyderabad.

2. For the sake of convenience, the parties hereinafter will be referred to as they were arrayed before the trial Court in M.C.No.38 of 2010.

3. Learned counsel for the respondent (petitioner herein) strenuously submitted that the trial Court without considering the recitals of the counter allowed the petition on erroneous grounds. She further submitted that the respondent is earning Rs.5,000/- per month while working as Manager in a Function Hall.

4. The point that arise for consideration, in this revision is whether the order, dated 08.04.2011 passed by the trial Court is sustainable in law or on facts?

5. A perusal of the record reveals that the marriage of the 1st petitioner with the respondent was performed on 21.12.1999 as per Muslim Rites and caste customs. Immediately after the marriage, the 1st petitioner joined the respondent to lead marital life. Out of lawful wedlock, the 1st petitioner and the respondent were blessed with one boy, aged about 10 years i.e., 2nd petitioner. It is the case of the 1st petitioner that the respondent intentionally and willfully neglected to provide maintenance to the petitioners, therefore, she filed M.C.No.38 of 2010 under Section 125

Cr.P.C. seeking maintenance of Rs.25,000/- per month from the respondent. She filed the above Crl.M.P. seeking to grant interim maintenance at the rate of Rs.25,000/- per month to the petitioners 1 and 2.

6. The respondent filed counter denying the averments made in the petition including his earning capacity.

7. The trial Court after affording reasonable opportunity to both parties, allowed the petition by granting interim maintenance at the rate of Rs.3,000/- per month to the 1st petitioner and Rs.1,000/- per month to the 2nd petitioner. Challenging the same, this revision is preferred by the respondent.

8. There is no dispute with regard to *inter se* relationship between the parties. As observed earlier, the petitioner filed the petition claiming maintenance at the rate of Rs.25,000/- per month alleging that the respondent is a business man by profession. It is the contention of the respondent that he is an employee in a private firm. A perusal of the record reveals that basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, C.C.S., Hyderabad, registered a case in Cr.No.92 of 2010 for the offences punishable under Sections 498-A IPC and 4 and 6 of the Dowry Prohibition Act against the respondent and others. A perusal of the record reveals that bad weather prevailed in the family life of the 1st petitioner and the respondent for obvious reasons, which compelled the 1st petitioner to file the above M.C.

9. In view of pendency of M.C., this Court is not inclined to express any opinion touching the merits of the main case. Whether the respondent is a business man or not will be decided at the time of full-fledged trial. There is a

social obligation on the part of the respondent to provide maintenance to the petitioners. The trial Court after considering the socio economic background of the parties, granted interim maintenance at the rate of Rs.3,000/- per month to the 1st petitioner and Rs.1,000/- per month to the 2nd petitioner. It may not be possible for the 1st petitioner to look after the welfare of the 2nd petitioner, who is aged about 10 years, without financial assistance of the respondent. The trial Court rightly considered the various aspects and granted interim maintenance as stated supra. I am fully agreeing with the observations made by the trial Court. There is no illegality or irregularity in the order passed by the trial Court, which warrants interference of this Court while exercising the revisional jurisdiction under Sections 397 and 401 Cr.P.C. Therefore, the revision lacks merits and bona fides and is liable to be dismissed.

10. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending, in this revision shall stand closed.

DATED: 14-09-2017.
Hsd

T.SUNIL CHOWDARY, J