

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.11627 of 2017

ORDER

This petition is filed under Section 482 Cr.P.C., seeking a direction to the Additional Judicial Magistrate of First Class, Kavali, to dispose of Crl.M.P.No.1781 of 2016 in M.C.No.24 of 2014 pending on his file, within a reasonable time, alleging that the petitioner/father obtained an order of maintenance in M.C.No.24 of 2014 dated 09.12.2014, wherein the trial Court directed the respondents/sons to pay a sum of Rs.5,000/- per month each to the petitioner from the date of order and also directed the respondents to pay the maintenance amount on or before 10th of every succeeding month.

2. As the respondents have not paid the maintenance as directed by the trial Court in M.C.No.24 of 2014, the petitioner filed a petition in Crl.M.P.No.3049 of 2015 in M.C.No.24 of 2014 under Section 125(3) of Cr.P.C., and the same was closed with F.S.Memo dated 19.04.2017. Though the respondents have paid some amount to petitioner, they failed to pay the balance of arrears of maintenance. Therefore, the trial Court issued warrant against the respondents on 25.08.2015 in Crl.M.P.No.3049 of 2016 in M.C.No.24 of 2014. The respondents filed a petition in Crl.M.P.No.1781 of 2018 under Section 70(2) of Cr.P.C., to recall the said warrant, but the Magistrate is not disposing of the said petition for one reason or the other. The petitioner is an old man having no other means to maintain himself and totally depending upon the

maintenance ordered to be paid by the Court and thus, the petitioner is starving and roaming in the streets. Therefore, keeping in mind the pathetic condition of petitioner/father, the trial Court is directed to decide the application in Crl.M.P.No.1781 of 2016 in M.C.No.24 of 2014, as expeditiously as possible, in any event, not later than two months from the date of receipt of a copy of this order.

3. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

27th November, 2017

Note:
Issue CC by 30.11.2017

sj

M. SATYANARAYANA MURTHY

