

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3042 OF 2017

JUDGMENT:

The present Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code') is preferred by the respondent - husband challenging the order dated 26.09.2017, in Criminal M.P. No.69 of 2017 in M.C. No.20 of 2017 passed by the learned VIII Additional Sessions Judge, Mahabubnagar. By the aforesaid order, the learned Sessions Judge granted Rs.5,000/- to respondent Nos.1 and 2 towards monthly maintenance directing the revision petitioner herein to pay the same on or before tenth (10th) of every succeeding month from the date of petition and also directing respondent No.1 herein to furnish her bank account number to the revision petitioner to enable him to deposit the amount into her bank account.

2. Heard Sri S. Mohd. Abdul Raheem Khan, learned counsel for the revision petitioner, and perused the material on record.

3. The main contention of the learned counsel for the revision petitioner has been that no material is placed to show that the revision petitioner has really worked as Software Engineer in Hi-Tech City Centre and according to him, there is no company with the name 'Hi-Tech City Centre' and he is only a graduate getting meager

amount of Rs.10,500/- by working privately and, in fact, he is not obligated to pay interim maintenance for the reason that respondent No.1, on her own volition, left his society along with the child.

4. It appears that in Criminal M.P. No.69 of 2017, no counter was filed and, perhaps, the counter filed in the main Maintenance Case must have been sought to be treated as a counter therein.

5. The learned counsel also stated that a divorce petition was also made and certain amounts were paid to her and, therefore, respondent Nos.1 and 2 are not entitled to any maintenance amount.

6. What all could be found in the counter, filed by the revision petitioner before the trial Court, in paragraph No.11 is that he tendered resignation to his job on 30.06.2017 and presently not working anywhere and not having sufficient means, as stated in the petition. However, he does not deny working as software engineer in his counter. In case, he did really tender resignation, he ought to have placed some material before the Court to show that he is not working and other details, such as what was the salary he was drawing. When he did not advert to all the relevant details and at least to show what was the salary he was earning, if not Rs.1.5 lakh per month as alleged by respondent No.1, certainly, it cannot be said that the amount of Rs.5,000/- granted towards interim maintenance of respondent Nos.1 and 2 worth nothing when kept in view the present

day cost of living, the minimum amount which the respondents require to meet both ends. Thus, there is no merit in the present revision.

7. Therefore, the present Criminal Revision Case is dismissed, at the admission stage itself, confirming the order under challenge.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision stand dismissed.

November 29, 2017.
PV

A. SHANKAR NARAYANA, J

