

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL REVISION CASE No.3080 OF 2017**

**JUDGMENT:**

The present Criminal Revision Case is filed by the respondent - husband in CrI.M.P. No.910 of 2017 in M.C. No.16 of 2017 on the file of the learned Judicial Magistrate of First Class, Cheepurupalli, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code') questioning the order, dated 13.10.2017, passed by the learned Magistrate in the aforesaid CrI.M.P., whereby and where-under, the learned Magistrate awarded an interim monthly maintenance of Rs.4,000/- as against the claim made by respondent No.2 - wife for Rs.10,000/- under Section 125 (2) of the Code.

2. What is available on record is, only the petition and counter and no documents at this stage. The learned Magistrate referring to the allegations in the petition as well as the denials in the counter observing that after full-fledged inquiry, the claim for maintenance can be looked into, has opined that granting Rs.4,000/- towards interim monthly maintenance would be reasonable as the wife has to meet daily needs of food, shelter, clothing, medical and other expenses.

3. Ms. Taddi Sowmya Naidu, learned counsel, representing Sri Taddi Nageswara Rao, learned counsel for the revision petitioner, no doubt, would submit that the petitioner is only working as an

employee in a Kirana shop, but not owning Kirana shop or running Kirana shop as set out by respondent No.2 - wife.

4. But, one-thing is certain that, the revision petitioner does not want to disclose the monthly income which he was getting. In fact, he himself mentioned in his counter that he was working as a coolie in a Kirana shop and also alleged that respondent No.2 - wife herself was working as Sales Woman in a Bangles shop at Gajuwaka and getting income of Rs.12,000/- per month. Thus, the revision petitioner has also not filed any material to show that respondent No.2 - wife is working and earning some amount. In such an event, the amount of Rs.4,000/- towards interim monthly maintenance awarded by the learned Magistrate cannot be construed as an excessive or exorbitant. There is no merit in the present Criminal Revision Case.

5. Accordingly, the Criminal Revision Case is dismissed at the stage of admission itself.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

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**A. SHANKAR NARAYANA, J**

**December 04, 2017.**

Mgr