

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.554 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner, seeking to quash the order, dated 09.09.2016, passed in CrI.M.P.No.128 of 2014 in M.C.No.38 of 2010, by the learned II Additional Judicial Magistrate of First Class, Tanuku, which was confirmed by the learned IV Additional District and Sessions Judge, Tanuku, West Godavari District, by his order, dated 28.11.2017, passed in CrI.R.P.No.99 of 2016.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 4th respondent-State and perused the record.

3. As per the records placed before this Court, the petitioner is a teacher. The submission of the petitioner is that his gross salary is Rs.29,000/-. The learned Magistrate, while dealing with the enhancement application of the respondent Nos.1 to 3 herein filed under Section 127 of Cr.P.C., enhanced the maintenance to his wife (1st respondent herein) from Rs.2,000/- to Rs.4,000/- and to his children (respondents 2 and 3 herein) from Rs.1,000/- each to Rs.3,000/- each.

4. The learned Magistrate, while dealing with the enhancement application of the respondent Nos.1 to 3 herein, took care and caution regarding the capability and financial

capacity of the petitioner herein. Aggrieved by the said order of the learned Magistrate, the petitioner filed CrI.R.P.No.99 of 2016 before the learned IV Additional District and Sessions Judge, Tanuku, West Godavari District, and the learned District and Sessions Judge, by his order, dated 28.11.2017, dismissed the same, assigning reasons. As seen from the material placed on record and the submissions made on behalf of the petitioner, this Court finds no impropriety or illegality in the impugned order warranting interference under Section 482 of Cr.P.C. The Criminal Petition is devoid of merit and is liable to be dismissed.

5. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

23rd January, 2018
Bvv

