

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.310 of 2018

ORDER:

Heard the learned counsel for the petitioner as well as the 2nd respondent.

Questioning the orders dated 04.12.2017 passed in M.C.No.20 of 2014 on the file of the Court of the Judicial Magistrate of First Class, Guntakal, the present criminal revision case is filed.

The facts of the case are that the 2nd respondent herein filed a maintenance case vide M.C.No.20 of 2014 against the petitioner herein claiming a sum of Rs.10,000/- per month towards maintenance. The case of the 2nd respondent is that she is the legally wedded wife of the petitioner and their marriage was performed on 22.08.1992 at Guntakal at her parents' house as per the Hindu rites and customs. At the time of marriage, her parents gave a sum of Rs.10,000/- cash towards dowry and two tulas of gold ornaments as per the demand of the petitioner and his family members. Immediately, after marriage, the petitioner came to the 2nd respondent's house as illatam son-in-law. The marriage was consummated and after wedlock they were blessed with a baby girl named Shasikala. It is also stated that at the time of marriage, the petitioner was an un-employee, but subsequently he got a job as Conductor in APSRTC at Kalyandurgam. The petitioner was insisting the 2nd

respondent to get additional dowry of Rs.50,000/- and on her refusal, he used to abuse her in filthy language and beat her indiscriminately causing injuries. Even the elders conducted panchayat and advised the petitioner to mend his ways towards the 2nd respondent, but there was no change in his attitude. Thereafter, the petitioner deserted the 2nd respondent and discontinued visiting her house at Guntakal and thus the 2nd respondent remained in her parents' house. Therefore, she was constrained to file the maintenance case.

Per contra, the petitioner filed a counter stating that the 2nd respondent is not his wife and baby Shasikala is not his daughter. He further contended that in the year 1993 there was an engagement between himself and the 2nd respondent and later the same was cancelled. After cancellation of the engagement, he married one Ms. Y. Sorojamma. Therefore, he sought dismissal of the maintenance case.

To substantiate her contentions, the 2nd respondent has examined PWs.1 to 6 and marked Exs.P1 to P9. On behalf of the petitioner, RWs.1 to 3 were examined.

On a full-fledged trial, the Court below allowed the petition vide orders dated 04.12.2017 directing the petitioner to pay maintenance @ Rs.2,500/- per month to the 2nd respondent from the date of the petition i.e., 23.07.2014 apart from Rs.1,000/- towards cost of the petition. Aggrieved by the said orders, the present revision case is filed.

Learned counsel appearing for the petitioner would contend that the Court below has not considered the aspect that the 2nd respondent is not the legally wedded wife of the petitioner. There was no evidence to show that the 2nd respondent is the legally wedded wife of the petitioner. The Court below also failed to appreciate that the present maintenance case is filed after a period of 22 years from the date of marriage.

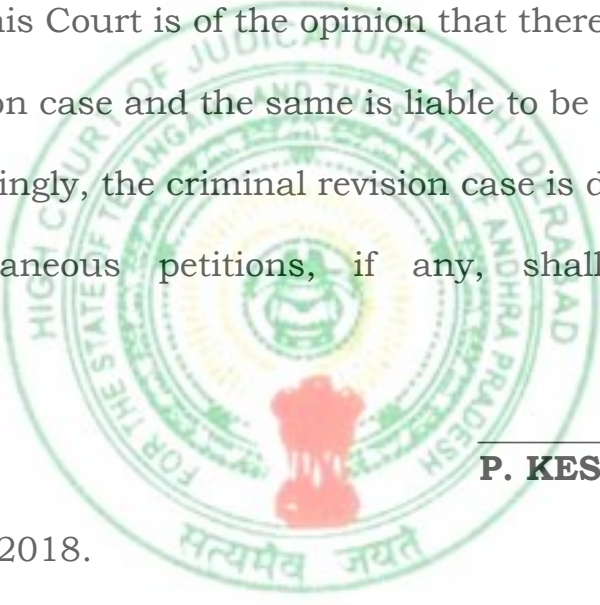
Learned counsel appearing for the 2nd respondent supported the impugned orders.

A perusal of the material on record reveals that during the pendency of the maintenance case the 2nd respondent filed CrI.M.P.No.1330 of 2014 for grant of interim maintenance and the same was allowed granting Rs.2,500/- per month. Aggrieved by the same, the petitioner preferred revision before the learned VI Additional District Sessions Judge, Gooty, in C.R.P.No.254 of 2015. In the said revision, a joint memo i.e., Ex.P5 was filed by the 2nd respondent and the petitioner, wherein the petitioner agreed to pay interim maintenance of Rs.1,800/- per month to the 2nd respondent. If really the marital relationship is disputed, the petitioner ought not to have accepted the same and would contest the petition in revision. Further, the petitioner filed CrI.M.P.No.89 of 2016 before the Court below under Section 45 of the Indian Evidence Act to send the 2nd respondent and PW.2 for D.N.A. examination. However, the said application

was dismissed on 12.01.2017, but the petitioner did not choose to prefer any revision against the said orders till date. These instances strongly raise a doubt about the bona fides of the petitioner. In fact, the petitioner in his cross-examination has categorically admitted that he has written Exs.P6 to P8, letters, in which he called the parents of the 2nd respondent as in-laws. The salary certificate of the petitioner marked as Ex.P3 would evidence that his gross salary for the month of June, 2015 was Rs.15,622/-. Having regard to the above said facts, this Court is of the opinion that there are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.



P. KESHAVA RAO, J

Date: 07.06.2018.
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