

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.616 of 2018

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/husband, challenging the order, dated 28.08.2017, passed in CrI.M.P.No.266 of 2017 in M.C.No.41 of 2017, by the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court – cum – IX Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard the learned counsel for the petitioner/husband, learned counsel for the respondents 1 and 2/wife & daughter, learned Assistant Public Prosecutor representing the 3rd respondent-State and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner is drawing a salary of Rs.15,000/- by working as Autocad Draftsman. He has no sufficient means to maintain his wife and daughter. The 1st respondent/wife left the company of the petitioner on her own. The Court below erred in awarding of monthly maintenance of Rs.5,000/- to the 1st respondent/wife and Rs.3,000/- to the 2nd respondent/daughter. It is excessive and ultimately prayed to allow the Revision.

4. The learned counsel for the respondent 1 and 2 opposed the same stating that the petitioner has got sufficient means to pay

the maintenance awarded by the Court below and ultimately prayed to dismiss the Revision.

5. As seen from the record, the 1st respondent and the petitioner are wife and husband. There are several allegations against the petitioner for the respondents 1 and 2 to live separately from him. The respondent No.1 contends that the petitioner is an Architect, whereas, the petitioner contends that he is working as Autocad Draftsman. As per the salary certificate produced by the petitioner, his salary is Rs.12,000/- per month and he gets Rs.3,000/- per month as allowance since June, 2015. The learned counsel for the respondents 1 and 2 would submit that the salary certificate produced by the petitioner was not signed by his employer. The Court below, while dealing with the grant of interim maintenance to the respondents 1 and 2, observed that there would be increase in the salary once in six years. The Court below did not rely on the salary certificate produced by the petitioner but made its own calculations, basing on the educational qualifications of the petitioner and concluded that the petitioner is earning Rs.25,000/- month and granted monthly maintenance of Rs.5,000/- to the 1st respondent and Rs.3,000/- to the 2nd respondent from the date of the petition, i.e., 17.01.2017.

6. The maintenance awarded by the Court below to the respondents 1 and 2 is only an interim arrangement. In view of the status of the parties and keeping in view the cost of living now-a-days, it cannot be said that the maintenance awarded by the Court

below to the respondents 1 and 2 is excessive. This Court does not see infirmity in the impugned order warranting interference under Section 397 & 401 of Cr.P.C. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Revision Case, shall stand closed.

Dr. SHAMEEM AKTHER, J

19th March, 2018
Bvv

