

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1654 of 2017

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

Questioning the orders passed in M.C.No.1 of 2014 dated 14.03.2017 on the file of the Special Judicial Magistrate of First Class, Prohibition and Excise, Mahabubnagar, directing the Drawing and Disbursing Officer (DDO) of the petitioner to attach a sum of Rs.4,000/- per month from the salary of the petitioner, the present criminal revision case is filed.

The facts of the case are that respondent Nos.2 and 3 herein filed a maintenance case against the petitioner claiming a sum of Rs.5,000/- and Rs.2,000/- per month to them from the date of filing of the petition. Pending the said maintenance case, CrI.M.P.No.41 of 2015 is filed claiming interim maintenance. The said application was allowed on 23.06.2015, directing the petitioner to pay Rs.2,000/- and Rs.1,000/- per month to respondent Nos.2 and 3 respectively towards interim maintenance with effect from the date of the order. Since the petitioner has not complied with the above said orders, separate petition being CrI.M.P.No.59 of 2017 was filed to attach his salary. But, the Court below, after hearing, was pleased to pass orders on 14.03.2017 in the main case directing the DDO of the petitioner to attach salary

of Rs.4,000/- per month from the salary of the petitioner subject to Section 60 CPC., till the amount of Rs.65,000/- is realized. Aggrieved by the said orders, the present criminal revision case is filed.

During the course of arguments, it is brought to the notice of the Court by the learned counsel for the petitioner that though the Court below has directed respondent Nos.2 and 3 to give their bank account number, they did not furnish the same. In fact, they have furnished the bank account number in the month of December, 2016, and since then the petitioner has been depositing the maintenance, but suppressing the above said aspect, respondent Nos.2 and 3 filed a petition under Section 125 (3) Cr.P.C. ignoring the limitation provided therein.

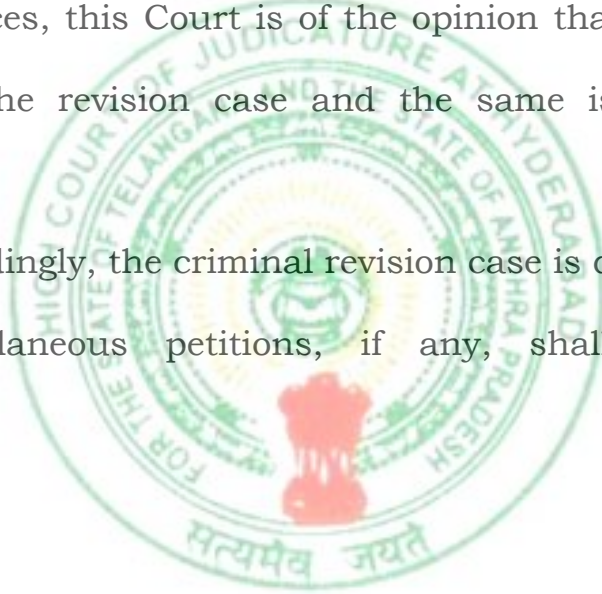
Per contra, the learned counsel appearing for respondent Nos.2 and 3 would contend that respondent Nos.2 and 3 have already furnished the bank account number to the petitioner and the petitioner can deposit the amount into the said account.

A perusal of the material on record reveals that the orders passed on 23.06.2015 granting interim maintenance to respondent Nos.2 and 3 @ Rs.2,000/- and Rs.1,000/- per month respectively has become final and it is binding on the petitioner and therefore he is liable to pay the same. He cannot avoid payment on the ground that respondent Nos.2 and 3 have not given their bank account number. Even, the

Court below while deciding the petition filed under Section 125(3) Cr.P.C. seeking realization of arrears of maintenance held that the petitioner adopted evasive tactics to avoid payment of maintenance to respondent Nos.2 and 3 and since payment of maintenance under Section 125 Cr.P.C. is a measure of social legislation, it has to be considered liberally. Even during the course of arguments, it is brought to the notice of this Court by both the counsel that bank account number has been furnished to the petitioner. In these circumstances, 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. KESHA RAO, J

Date: 24.07.2018.
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