

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1578 OF 2010

ORDER:

There is no representation on behalf of the petitioner.

The present Criminal Revision Case is filed challenging the orders passed in M.C.No.70 of 2008 dated 14.05.2010 on the file of the Court of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad in awarding a sum of Rs.2,000/- per month towards maintenance to the second respondent herein.

The facts, in brief, are that the second respondent herein is the legally wedded wife of the petitioner. Their marriage was performed on 11.05.2006. At the time of marriage, the petitioner was presented with gold and silver ornaments apart from the household articles and dowry. It is stated in the M.C. that the petitioner is running a pan shop and is earning a sum of Rs.500/- per day. The petitioner is also earning a sum of Rs.100/- per day in finance business. After the marriage, the second respondent was harassed for additional dowry of Rs.3,00,000/-. When the second respondent failed to oblige the same, she was neglected by the petitioner. In those circumstances, she filed the M.C. The petitioner filed a counter denying the material allegations made against him in the M.C. and contended that he is running a pan shop, but earning only a sum of Rs.2,000/- per month. He is having aged parents and younger brother to maintain. The learned Family Judge, after appreciating, was pleased to direct the

petitioner to pay a sum of Rs.2,000/- per month towards maintenance to the second respondent.

From the perusal of the material on record, it is revealed that the second respondent filed a Criminal Case against the petitioner for the offence under Section 498-A I.P.C. and as on the date of passing of the orders, the same was pending consideration. After the marriage, the petitioner and second respondent lived happily for a short period. However, in view of the harassment, the second respondent was neglected leading to the filing of the present M.C. Though the petitioner has taken a plea that he is earning only Rs.2,000/- per month by running a pan shop, he being the husband, is, legally and morally, under obligation to maintain the second respondent. When it is established that the second respondent is not having any independent source of income, the petitioner is liable to maintain her in the same standard in which he is leading his life. Be that as it may, now-a-days, looking at the cost of living and rate of inflation, an amount of Rs.2,000/- per month, which was awarded towards maintenance to the second respondent, cannot be considered to be excessive. That apart, the scope of revision under Section 397 & 401 of Cr.P.C. is very limited. Unless and until the petitioner establishes any perversity or illegality in the impugned order, he cannot succeed in the revision. In the case on hand, from a perusal of the grounds of revision, no such perversity or patent illegality on the face of the orders is pointed out. As such there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed.

As a sequel, the interlocutory applications pending, if any, shall stand dismissed.

P.KESHAVA RAO,J

17th SEPTEMBER 2018.
Tsr

