

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.No.2 of 2018
and
Criminal Revision Case No.1051 OF 2018

COMMON ORDER:

This Criminal Revision Case is filed against the judgment in CrI.A.No.10 of 2017 dated 18.12.2017 passed by the learned IV Additional District & Sessions Judge, Kurnool, modifying the order dated 29.11.2016 passed in D.V.C. No.43 of 2015 on the file of the Special Judicial Magistrate of First Class (for Prohibition & Excise) Kurnool.

2. I.A.No.2 of 2018 is filed under Section 482 Cr.P.C. seeking to suspend the operation of the impugned judgment passed in CrI.A.No.10 of 2017 dated 18.12.2017.

3. The petitioner herein is respondent No.1 in D.V.C. No.43 of 2015, and the complainants therein are the wife and daughter of respondent No.1, who have filed said D.V.C. under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') seeking reliefs under Sections 18, 19 & 20 of the Act. On consideration of the evidence, the trial Court has given the relief of granting maintenance of Rs.6,000/- per month to wife and Rs.3,000/- per month to daughter and also directed respondent No.1 therein to pay compensation of Rs.8.00 lakhs. Aggrieved by that, respondent No.1 (petitioner herein) has preferred an appeal in CrI.A.No.10 of 2017 before the learned IV Additional District & Sessions Judge, Kurnool. On consideration of the

evidence, said appeal was allowed in part by reducing the maintenance to wife from Rs.6,000/- to Rs.3,000/- and maintenance to daughter from Rs.3,000/- to Rs.1,500/- and the compensation amount from Rs.8.00 lakhs to Rs.2.00 lakhs. Admittedly, the petitioner has not deposited any amount even after the disposal of the appeal till date. He is not even paying the maintenance to his wife and daughter as per the directions in the appeal. The petitioner has now come up with I.A.No.2 of 2018 for suspension of operation of the impugned judgment passed in Crl.A.No.10 of 2017 dated 18.12.2017.

4. Heard the learned counsel for petitioner and also the counsel for the respondents.

5. Learned counsel for the petitioner submits that the petitioner is an Urdu teacher getting take home salary of Rs.6,820/-, whereas the learned counsel for the respondents submit that the petitioner is getting a salary of Rs.40,000/- per month, as per Ex.R64-Salary certificate filed in the D.V.C.

6. Having regard to the facts and circumstances of the case, the operation of impugned judgment in Crl.A.No.10 of 2017 dated 18.12.2017 passed by the learned IV Additional District & Sessions Judge, Kurnool, is hereby suspended on condition of the petitioner depositing an amount of Rs.2.00 lakhs (Rupees two lakhs only) in two equal instalments and the first instalment of Rs.1.00 lakh (Rupees one lakh only) shall be deposited before the trial Court on or before

31.12.2018 and the second instalment of Rs.1.00 lakh (Rupees one lakh only) shall be deposited before the trial Court on or before 28.02.2019 and he shall keep paying the maintenance amount of Rs.3,000/- to wife and Rs.1,500/- to daughter every month as directed in the appeal. In the event of failure to deposit the amounts, the suspension of operation of the impugned judgment shall be vacated.

7. On deposit of the aforesaid amounts by the petitioner on the dates mentioned above, the respondents 1 and 2 are permitted to withdraw the amounts without furnishing any security. The judgment passed by the appellate Court in Crl.A.No.10 of 2017 dated 18.12.2017 is hereby modified by giving liberty to the petitioner to deposit the amounts as specified above.

8. Accordingly, I.A.No.2 of 2018 is allowed and Crl.R.C.No.1051 of 2018 is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

GUDISEVA SHYAM PRASAD, J

25.10.2018
MVA