

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4717 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed questioning the Order dt. 09.01.2018 in CrI.M.P.No.503 of 2017 in CRP No.78 of 2017 passed by II Additional Sessions Judge, Kurnool, granting stay of the Order dt.20.10.2017 in M.C.No.33 of 2013 on the file of I Additional Judicial Magistrate of First Class, Adoni, subject to payment of maintenance @ Rs.10,000/- per month on or before 10th of every succeeding month while declining to grant stay for payment of arrears of maintenance at Rs.15,000/- per month.

The main contention of the learned counsel for the petitioner is that when the Court granted stay of maintenance at Rs.15,000/- subject to payment of Rs.10,000/- per month in future, declining to grant stay of past maintenance at 15,000/- is an illegality committed by the Sessions Court.

No doubt, when the Court passed an Order granting stay of further proceedings subject to payment of Rs.10,000/- per month during pendency of the revision petition while declining to grant stay for past maintenance of Rs.15,000/- per month is an irregularity committed by the Sessions Court. When the Sessions Court satisfied that payment of Rs.10,000/- would be met ends of justice towards future maintenance during pending of the revision, the Court ought to have passed maintenance to the same extent and therefore there shall be an interim stay of collection of arrears of

maintenance at Rs.15,000/- subject to deposit of arrears of maintenance at Rs.10,000/- as directed by the Magistrate Court.

With the above direction, this Criminal Petition is disposed of.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 02-08-2018
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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