

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.41 of 2012

JUDGMENT:

Questioning the order dated 1.12.2011 in CrI. M.P.No.1414 of 2011 in D.V.C.No.35 of 2011 on the file of IV-Metropolitan Magistrate, Hyderabad, whereby and whereunder the learned Magistrate granted Interim Monetary Relief of Rs.3,000/- to the 2nd respondent and Rs.2,000/- each to the respondents 3 and 4 towards their basic necessities and their educational expenses from the date of order, the present Criminal Revision Case is preferred by the respondent-husband in D.V.C. under Sections 397 and 401 of Criminal Procedure Code, 1973 (for short, 'Cr.P.C.')

2. Heard D. Krishna, learned counsel for the petitioner. There is no representation on behalf of the respondents 2 to 4.

3. Learned counsel for the revision petitioner would submit that the learned IV-Metropolitan Magistrate, Hyderabad, was not right in granting maintenance of Rs.7,000/- to the respondents 2 to 4. The salary drawn by the revision petitioner was only Rs.7,579/-, whereas gross salary is shown at Rs.11,872/-. It is also his submission that the 2nd respondent subjected the revision petitioner to undergo criminal proceedings under Section 498-A of Indian Penal Code and even filed Maintenance Case under Section 125 (1) of Cr.P.C. along with respondents 3 and 4, and, though, the revision petitioner was ready to take her to his society and maintain them so as to discharge the

obligations of the matrimonial house, they did not heed to his request, and, therefore, to set aside the order passed by the learned IV-Metropolitan Magistrate, Hyderabad, in CrI. M.P. No.1414 of 2011 in D.V.C.No.35 of 2011.

4. After the present Criminal Revision Case was preferred, this Court passed an interim order dated 9.1.2012 granting interim stay subject to the condition that the revision petitioner paying Rs.5,000/- per month each to the respondents 2 to 4 on or before 5th of every succeeding month, failing which the stay stands vacated without further reference to the Court.

5. The stay, thus, granted is not vacated and the consequence being D.V.C. is not disposed of and kept pending on the file of the learned IV-Metropolitan Magistrate, Hyderabad.

6. During the course of arguments, learned counsel for the revision petitioner would submit that the revision petitioner was regular in making payment of Rs.5,000/- towards Interim Monetary Relief and placed on record the deduction of Rs.5000/- made from the salary by the Deputy Commissioner, Circle-10, Greater Hyderabad Municipal Corporation, Falaknuma, South Zone, Hyderabad, which contains the signature of the Deputy Commissioner.

7. As much as there is no representation for the respondents and even the respondents 2 to 4 were granted monthly maintenance at Rs.4,000/- to the 2nd respondent and Rs.3,000/- each to the respondents 3 and 4 in M.C. No.423 of 2015 by the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional

Family Judge, Hyderabad, it is desirable to direct the learned IV-Metropolitan Magistrate, Hyderabad, to dispose of D.V.C. No.35 of 2011 within two months from the date of receipt of a copy of the order. The learned Magistrate is also directed that he shall keep in view, the maintenance amount of Rs.4,000/- to the 2nd respondent-wife and Rs.3,000/- each to the respondent 3 and 4-children, while deciding to what amounts each of the respondents 2 to 4 are entitled to, keeping in view the provisions of the Protection of Women from Domestic Violence Act, 2005.

8. However, Interim Monetary Relief granted by the learned IV-Metropolitan Magistrate, Hyderabad, is undisturbed directing the revision petitioner to continue to pay the same till the disposal of D.V.C. However, this observation shall not influence the learned Magistrate in adjudicating upon the controversy in D.V.C. in accordance with law.

9. Accordingly, the present Criminal Revision Case is partly allowed by reducing the Interim Monetary Relief of Rs.7,000/- to Rs.5,000/- i.e., from Rs.3,000/- to Rs.2,000/- so far as the 2nd respondent is concerned, and from Rs.2,000/- each to Rs.1,500/- each so far as the respondents 3 and 4 are concerned.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 03.01.2018
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