

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1329 of 2018

ORDER:

Heard the learned counsel for the petitioner as well as the second respondent.

The present revision case is filed questioning the judgment passed in CrI.A.No.207 of 2017, dated 29.12.2017 on the file of Court of IV Additional District and Sessions Judge, Kurnool, confirming the orders passed in D.V.C.No.07 of 2012, dated 25.07.2017 on the file of the Special Judicial Magistrate of First Class (for Prohibition & Excise), Kurnool, to the extent of grant of compensation of Rs.4,00,000/- towards marriage expenses of P.W.2.

The facts, in brief, are that originally, the second respondent herein filed O.S.No.60 of 2007 on the file of Senior Civil Judge, Khammam claiming maintenance against the petitioner herein. Subsequently, the second respondent has withdrawn the said suit and filed a complaint for the offence under Section 498-A I.P.C. vide C.C.No.418 of 2011 on the file of the Special Judicial Magistrate of First Class (for Prohibition & Excise), Kurnool. On contest, the said C.C. was dismissed on 27.02.2012. Aggrieved by the said orders, the second respondent filed an appeal in CrI.A.No.58 of 2012 on the file of the First Additional Sessions Judge, Kurnool. After hearing, the said appeal was also dismissed by orders dated 04.08.2014. It is relevant here to mention that during the pendency of the above said appeal, the second respondent filed D.V.C.No.7 of 2012 on the file of the Special Judicial Magistrate of First Class (for Prohibition & Excise),

Kurnool under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act') claiming reliefs under Sections 18 to 20 of the Act. In the D.V.C., the second respondent has stated that she was neglected by the petitioner herein and she was put to physical as well as mental harassment.

The petitioner filed a counter denying the averments made in the D.V.C. and contended *inter alia* that he is not liable to pay maintenance etc. After hearing, the said D.V.C. was allowed by orders dated 25.07.2017 against the petitioner granting reliefs as contemplated under Sections 18 to 20 of the Act. In addition to the same, the petitioner was directed to deposit a sum of Rs.5,00,000/- in the account of his daughter-P.W.2 for the purpose of her marriage, within two months from the date of the order, failing which, the second respondent is granted liberty to take appropriate steps against the petitioner for enforcement of all the reliefs granted under the provisions of the Act. Aggrieved by the said orders, the petitioner filed CrI.A.No.207 of 2017 on the file of IV Additional District and Sessions Judge, Kurnool. After hearing, the said appeal was partly allowed by orders dated 29.12.2017 to the extent of reducing the marriage expenses from Rs.5,00,000/- to Rs.4,00,000/- granted in favour of P.W.2, the daughter of the petitioner apart from modifying the order of maintenance to be payable from the date of the order passed in the D.V.C. Aggrieved by the said judgment to the extent of directing the petitioner to deposit Rs.4,00,000/- towards marriage expenses of P.W.2, the present Criminal Revision Case is filed.

During the course of arguments, the learned counsel appearing for the petitioner fairly submitted before this Court that

P.W.2 being the daughter, the petitioner is willing to perform her marriage not only by depositing Rs.4,00,000/- but even if the expenditure exceeds the said amount, he will bear the same and perform the marriage. The said contention was opposed by the learned counsel appearing for the second respondent stating that the version of the petitioner is not believable. To rebut the same, the petitioner has now, filed a sworn affidavit stating that due to love and affection towards his daughter-P.W.2, he is ready to bear the marriage expenditure and perform her marriage at Kurnool. It is also stated in the affidavit that even if the marriage expenditure exceeds Rs.4,00,000/-, he is ready to bear the same. To show his *bona fides* that he has got love and affection on P.W.2, for her educational purpose, he has provided one laptop (Lenovo company) to P.W.2 by spending Rs.40,000/- and also provided WiFi (BSNL) by paying monthly rental of Rs.400/- from 2013 onwards. The said fact is not denied by the second respondent. Therefore, this Court opines that the *bona fides* of the petitioner cannot be doubted. But at the same time, to safeguard the interests of the second respondent and P.W.2, certain conditions shall have to be imposed on the petitioner in the event of going back on his undertaking.

Accordingly, the Criminal Revision Case is disposed of in the light of the sworn affidavit dated 02.08.2018 filed by the petitioner to the effect that he will bear the expenditure of performing the marriage of his daughter i.e. P.W.2 as and when her marriage is fixed. Further the marriage shall be performed at Kurnool as per the undertaking given by the petitioner. Further the petitioner is directed to deposit a sum of Rs.2,00,000/- in the form of fixed

deposit in any nationalized bank in his name and file proof of the same before the Special Judicial Magistrate of First Class (for Prohibition & Excise), Kurnool within a period of six weeks from today. In the event of petitioner going back on the undertaking given in the affidavit, it is open for the second respondent to execute the order against the petitioner for appropriate remedies available under law.

Miscellaneous petitions, if any, shall stand closed.

P. KESHA RAO, J

Date:09.08.2018.
Tsr

