

HON' BLE SRI JUSTICE G. SHYAM PRASAD

CrI.R.C.No. 1547 of 2018

JUDGMENT:-

This Criminal Revision Case arises out of the Order dated 17.02.2018 in CrI.M.P.No. 1005 of 2017 in M.C.No. 396 of 2016 passed by the Additional Metropolitan Sessions Judge for the Trial of J.H.C.B.B.C.-cum-Additional Family Court-cum-IX Additional Metropolitan Sessions Judge, Hyderabad.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the 2<sup>nd</sup> respondent – State and perused the material placed on record.

The 1<sup>st</sup> respondent-wife has filed CrI.M.P.No. 1005 of 2017 in M.C.No. 396 of 2016 under Section 125(1) Cr.P.C. against the petitioner – husband claiming interim maintenance, and the learned IX Additional Metropolitan Sessions Judge, Hyderabad, by the order dated 17.02.2018, allowed the petition granting interim maintenance to her @ Rs.7,000/- p.m. payable by the petitioner from 19.08.2017. Being aggrieved by the same, the petitioner has filed the Criminal Revision Case.

The impugned order is interlocutory in nature. Section 497(2) Cr.P.C. does not make a provision for entertaining Revision Case against interlocutory order. Since the order

passed by the trial Court is interlocutory in nature during pendency of the Maintenance Case, this Revision Case is not maintainable and is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. However, the petitioner is at liberty to avail appropriate remedy as may be available to him under law.

The Registry is directed to return the original documents of the Revision Case to the petitioner.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

14.11.2018

bcj



G. SHYAM PRASAD, J