

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.5893 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed questioning the Order dt.16.05.2018 in CrI.M.P.No.29 of 2018 passed by VI Additional District Judge at Siddipet, directing the petitioner herein to pay maintenance of Rs.2,500/- to respondent No.1 and Rs.7,500/- to respondent No.2 from the month of May, 2018.

Respondents herein filed M.C.No.04 of 2016 on the file of Judicial Magistrate of First Class, Dubbak, and after conducting full-fledged enquiry, the Magistrate passed the Order dt. 29.03.2018 awarding maintenance of Rs.5,000/- to respondent No.1 and Rs.15,000/- to respondent No.2, who are wife and daughter respectively, from the month of May, 2018.

Aggrieved by the said Order, the petitioner herein preferred Criminal Revision under Section 397(1) Cr.P.C. before Principal District and Sessions Judge at Sangareddy in CrI.R.C.No.08 of 2018 and in the revision, he filed CrI.M.P.No.29 of 2018 for stay of enforcement of the Order in M.C.No.04 of 2016 passed by the Judicial Magistrate of First Class, Dubbak, but the District Judge, by docket order dt. 16.05.2018 directed the petitioner herein to pay maintenance of Rs.2,500/- to respondent No.1 and Rs.7,500/- to respondent No.2 (daughter) from May, 2018.

Aggrieved by the said Order, the petitioner herein filed the present criminal Petition on the ground that respondent No.1 is working as conductor in TSRTC and she possess sufficient means to maintain herself and granting maintenance of Rs.7,500/- to Respondent No.2 is excessive as she was aged about 7 years by the date of filing this petition and

prayed to set aside the Order in M.C.No.04 of 2016 passed by the Judicial First Class Magistrate, Dubbak.

During hearing, learned counsel for the petitioner would draw the attention of this Court that he is working as teacher and earning Rs.45,000/- per month as salary and besides providing maintenance to respondent Nos. 1 and 2, he has to maintain his old aged parents and prayed to pass appropriate orders granting stay of enforcement of the Order.

As per the cause title of Maintenance Case, the respondent No.1 herein is a conductor in APSRTC, but she did not disclose about the income and other particulars in the petition while contending that the petitioner is working as a teacher and earning Rs.55,000/- per month as salary. Respondent No.1 being a conductor is supposed to receive salary substantially and therefore, granting maintenance to respondent No.1 @ Rs.5000/- per month, which was reduced to Rs.2,500/- in the revision filed for grant of stay of operation, is an error committed by the revisional Court. But, granting maintenance at the rate of Rs.15,000/- to respondent No.2 is a matter to be decided in the revision pending before it and directing the petitioner herein to pay 50% of the amount awarded by the Magistrate i.e., Rs.7500/- to the daughter of this petitioner, who was aged about 7 years by the date of filing the petition, is just and commensurate with the present price index and cost of living. Therefore, the order passed by the VI Additional District Judge, Sddipet in CrI.M.P.No.29 of 2018 relating to respondent No.1 is set aside while confirming the remaining part of the order in tact.

With the above, this Criminal Petition is allowed in part. No order as to costs.

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

M. SATYANARAYANA MURTHY, J

Date: 13-06-2018
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



Crl.P. No.5893 of 2018

Dt. 13-06-2018

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