

HON' BLE SRI JUSTICE P.KESHAHA RAO
CRIMINAL REVISION CASE No. 490 of 2015

ORDER:

Heard the learned counsel for the revision petitioner.

The present criminal revision case is filed challenging the order dated 10.02.2015 passed in MP No.12 of 2012 in MC No.3 of 2007 on the file of the Judge, Additional Family Court, Hyderabad, in dismissing the petition filed under Section 127 Cr.P.C.

The main reason for dismissal of the petition by the court below, as seen from the order impugned, is that the petition under Section 127 Cr.P.C, has to be filed independently when once the main case is disposed of. In the instant case, MP No.12 of 2012 was filed in the disposed MC No.3 of 2007.

At the time arguments, the learned counsel for the revision petitioner fairly submits that the procedure adopted by the petitioner is not in tune with the provisions of the code of criminal procedure and that therefore, he seeks permission of this court to move an application afresh before the court below seeking enhancement/ modification of the maintenance amount granted in the main Maintenance case.

In view of the same, the criminal revision case is dismissed. However, liberty is given to the petitioner to move an appropriate application afresh before the court below as per the procedure contemplated under law for enhancement/ modification of the maintenance.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

P.KESHAHA RAO, J

27.08.2018
MJL