

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8011 of 2011

ORDER:

This petition is filed, seeking to set aside the order, dated 21.04.2011, passed in M.C.No.201 of 2009 on the file of Additional Metropolitan Sessions Judge for trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad. By virtue of the said order, the court below committed the petitioner herein to prison for a period of 12 months.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. The counsel for the petitioner relies on a ruling of the Apex Court in *Chairman, Bihar Rajya Vidyut Board v. Chhathu Ram*¹, wherein it was held that for non-compliance with the order of Magistrate to make payment of maintenance, Magistrate has no power to impose sentence for more than one month.

4. Hence, in view of the above, the order of the lower cannot be sustained.

5. Accordingly, the Criminal Petition is allowed setting aside the order, dated 21.04.2011, passed in M.C.No.201 of 2009 on the file of Additional Metropolitan Sessions Judge for the trial

¹ (1999) 5 SCC 673

of JHCBBC Cum Additional Family Court cum XXIII Additional
Chief Judge, Hyderabad.

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

August 23, 2018
LMV

T. RAJANI, J

