

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1032 of 2016

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the 2nd respondent.

The present revision case is filed questioning the orders passed in CrI.M.P.No.533 of 2016 in M.C.No.6 of 2015 dated 15.03.2016 on the file of the Court of the Judicial First Class Magistrate, Anaparthi.

The facts of the case are that the 2nd respondent filed a maintenance case being M.C.No.6 of 2015 claiming a sum of Rs.1,00,000/- per month towards maintenance against the petitioner on the file of the Court of the Additional Judicial First Class Magistrate, Anaparthi. In the said M.C., the 2nd respondent already commenced her evidence and examined PW.2 in chief. During the pendency of the maintenance case, the 2nd respondent filed a petition being CrI.M.P.No.533 of 2016 under Section 294 Cr.P.C. to receive the photographs along with CD and video CD and mark them as exhibits on her behalf. The petitioner herein filed a counter denying the contents of the petition and submitted that the petition, as filed, is not maintainable. No notice was given to the petitioner or his counsel to admit or deny the genuineness of the documents sought to be filed and marked as exhibits. After hearing, the said petition was allowed by order dated 15.03.2016. Aggrieved by the same, the present revision case is filed.

When the matter is taken up for hearing, Ms. G.V. Bhagya Laxmi, learned counsel appearing for the 2nd respondent, would submit that the 2nd respondent is not pressing for the photographs (8 in number) and the video CD and they may not be marked in the case.

In that view of the matter, the orders impugned in the revision case would become otiose i.e., having no useful purpose. In these circumstances, no further cause would survive in the revision case as the order passed in CrI.M.P.No.533 of 2016 itself would become infructuous.

Accordingly, the revision case is allowed, setting aside the orders dated 15.03.2016 passed in CrI.M.P.No.533 of 2016. However, the learned Judicial Magistrate of First Class, Anaparthi, is directed to decide the main maintenance case itself within a period of two months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHA RAO, J

Date: 25.06.2018.
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