

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.13685 of 2011

ORDER:

The criminal petition is filed seeking to set aside the order in CRLRP.No.31 of 2011 dated 13.10.2011 on the file of the IV Additional District and Sessions Judge, Kurnool, by virtue of which the the lower appellate Court has confirmed the order in MC.No.16 of 2006 dated 11.04.2011 on the file of the Judicial Magistrate of First Class, Atmakur, granting Rs.2,000/- as maintenance to the first respondent herein.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the second respondent. None appears for the first respondent.

3. The counsel for petitioner submits that the petitioner is an Excise Constable.

4. By considering the said fact and also considering that the first respondent is living separately by the date of filing the petition due to harassment meted out to her by the petitioner and also considering that the petitioner, who is the respondent before the Court below, did not discharge the burden of proving the contention raised by him that the respondent herein left on her own volition when her demand to the share of the property was not met with, the trial Court granted maintenance of Rs.2,000/-, which was confirmed by the lower appellate Court.

5. There are no additional grounds on the basis of which any interference can be made in the order of the Court below. Hence, this Court opines that the maintenance of Rs.2,000/- per month, granted by the trial Court, is by all means on the lower side and not exorbitant.

In the light of the above, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 17, 2018
DSK

T. RAJANI, J

