

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**CRIMINAL REVISION CASE No.2280 of 2018****ORDER:**

This Criminal Revision Case is filed arising out of the Order dt. 20-06-2018 passed by Addl. Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bombs Blast case-cum-Additional Family Court-cum-XXIII Additional Chief Judge-Cum-IX Additional Metropolitan Sessions Judge, Hyderabad, in CrI.M.P.No.567 of 2018 in M.C.No.407 of 2017.

The petitioner herein is the husband of Respondent No.2. Respondent Nos 2 and 3 filed an application before the trial Court under Section 125 (1) Cr.P.C., seeking for interim maintenance from the petitioner herein. The said application has been allowed by the trial Court awarding interim maintenance of Rs.10,000/- per month to the respondent No. 2 and Rs.3,000/- per month to respondent No.3.

Learned counsel for the petitioner submits that the petitioner was working as Accounts Consultant and he was not a software engineer. As per the Salary Certificate filed by him, he was drawing only Rs.36,591/. But, the trial Court has awarded maintenance of Rs.13,000/-. He is unable to pay the maintenance of Rs.13,000/- as he had to maintain his old aged

parents out of his salary of Rs.36,591/-. Therefore, it is submitted that the interim maintenance awarded is on higher side.

It is appropriate to refer to Section 397(2) Cr.P.C., and it is extracted hereunder:

“ The powers of revision conferred by sub section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.”

Section 397(2) Cr.P.C. prohibits from filing a revision against the interim order passed by the trial Court. Therefore, the petitioner may avail appropriate remedy available to him. The quantum of interim maintenance granted by the trial Court is an interlocutory order passed during pendency of Maintenance Case. The petitioner has an opportunity to prove his income and seek for reduction of maintenance amount claimed by respondent No.2. Therefore, the trial Court may record the evidence in the main case in respect of the income of petitioner and other factors, and dispose of the same expeditiously, preferably within Three (03) months.

With these observations, this Criminal Revision Case is disposed of.

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

GUDISEVA SHYAM PRASAD, J

Date: 05-12-2018
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