

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.3004 of 2018

ORDER:

This revision is arising out of the order dated 11.08.2018 in CrI.M.P.No.24 of 2018 in M.C.No.5 of 2018 on the file of Judge, Family Court-cum-VI Additional Sessions Judge, at Khammam.

2. Respondents 2, 3 and 4 have filed a petition under Section 125(1) Cr.P.C. for grant of maintenance to the petitioners. During pendency of the petition, the petitioners have filed CrI.M.P.No.24 of 2018 under Section 125(1) Cr.P.C., for grant of interim maintenance at the rate of Rs.30,000/- per month to the petitioners 1 to 3 till the disposal of main maintenance case. The trial Court on consideration of the material on record has allowed the petition partly, directing to pay interim maintenance of Rs.5,000/- per month to each of the petitioners 1 to 3 from the date of order till the disposal of main maintenance case.

3. Heard the learned counsel for the petitioner at the stage of admission.

4. Learned counsel for the petitioner submits that the petitioner and respondents have not filed any documents in proof of the income of the petitioner. The petitioner

intends to file those documents before this Court for consideration in this revision case.

5. At the outset, the orders passed by the learned trial Court Judge are under Section 125(1) Cr.P.C., granting maintenance during pendency of the main maintenance case. The orders are interlocutory in nature. As per Section 397(2) Cr.P.C., a revision is not maintainable against the interlocutory order. As per Section 397(2) Cr.P.C., an interlocutory order passed in an appellate enquiry, trial or other proceedings, the powers of revision conferred by sub-section(1) of Section 397 shall not be exercised.

6. Evidently, this is an interlocutory order passed during the pendency of maintenance case. There is every likelihood of the order being finalised after receiving the evidence and passing final orders in the maintenance case. It is also pertinent to note that the petitioner intends to file certain documents to prove his income.

7. In the background of the facts and circumstances of the case, holding that this revision petition is not maintainable, the revision petition is dismissed. However, the petitioner is given liberty to file those documents

before the trial Court, and the trial Court may consider those documents and dispose of the maintenance case.

8. With these observations, the revision petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

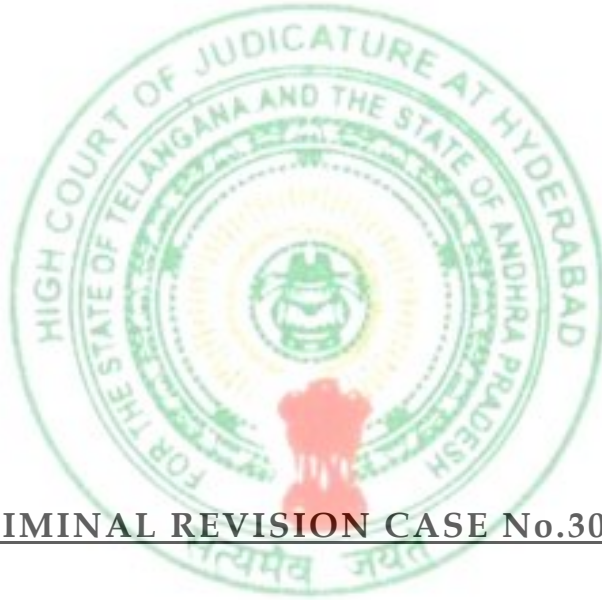
GUDISEVA SHYAM PRASAD, J

05th November, 2018

Note: Issue CC in 2 days
B/o KSM



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