

HON'BLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE No.2780 OF 2017

ORDER:

Heard the learned counsel for the petitioner . Though notice is served on respondent No.1, she has not chosen to appear either in person or by engaging any counsel.

2. The present Criminal Revision Case is filed questioning the docket order passed in I.A.No.2 of 2009 in M.C.No.303 of 2005 dated 19.8.2017 on the file of the Court of Metropolitan Sessions Judge, Hyderabad at Nampally, issuing attachment warrant under Section 421 Cr.P.C. authorizing the District Collector, Hyderabad to realize the amount as arrears of land revenue out of the movable and immovable properties of the petitioner herein.

3. The facts in brief are that respondent No.1 along with others filed M.C.No.303 of 2005 against the petitioner herein claiming a sum of Rs.12,000/- p.m. towards maintenance to respondent No.1 and others. The said M.C., was partly allowed by orders dated 7.7.2006 awarding an amount of Rs.2,000/- p.m. each to the petitioners 1 to 4 therein towards monthly maintenance from the date of application i.e., 22.12.2005 apart from other aspects. Since the petitioner was not paying the maintenance in compliance with the above said orders, I.A.No.2

of 2009 was filed for issuance of attachment warrant under Section 421 Cr.P.C. authorizing the District Collector, Hyderabad for realization of the arrears. On 19.8.2017, the amount payable, was not paid. In those circumstances, the learned Metropolitan Sessions Court, issued the attachment warrant. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that the learned Metropolitan Sessions Judge erred in not following the orders of this Court in CrI.R.C.No.124 of 2011 dated 21.3.2017 wherein this Court held that the calculation memo to be filed with regard to quantum of maintenance sought for by respondent No.1, and Court below without considering the same, awarded an amount of Rs.41,000/-, whereas, the petitioner has already paid Rs.1,50,000/- by 19.7.2017. But the Court below, without considering the same, passed orders for recovery authorizing the District Collector, Hyderabad to realize the amount as arrears of land revenue. In the light of the payments already made, the Court below ought not to have ordered for attachment of movable and immovable properties of the petitioner.

5. Per contra, though notice is served on respondent No.1, she has not chosen to appear before this Court.

6. Having heard the learned counsel for the petitioner and from a perusal of the material on record, it is revealed that the application in I.A.No.1 of 2009 and I.A.No.2 of 2009 are coming up for consideration from 26.8.2013 onwards. A perusal of the docket proceedings filed along with the Criminal Revision Case, establishes that the petitioner is irregular in payment of the maintenance amount as ordered by the Court below. In fact, several times, non-bailable warrants were issued against the petitioner. On execution of the same, even the petitioner was produced before the Court below. The docket order proceedings dated 19.8.2017, in I.A.No.1 of 2009 and I.A.No.2 of 2009, show that the amounts due are Rs.4,44,000/- and Rs.41,000/-. In spite of giving several opportunities, it appears the petitioner has not paid the said amounts. Therefore, the learned Metropolitan Sessions Judge, was pleased to issue the attachment warrant under Section 421 of Cr.P.C. authorizing the District Collector, Hyderabad to realize the arrears of maintenance amount as arrears of land revenue out of the movable and immovable properties of the petitioner. Even in this Court also, the petitioner has not filed any evidence showing that he has paid the amounts in compliance with the orders passed by the Court below.

7. In the above circumstances, this Court does not find any merit in the present Criminal Revision Case. Therefore, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

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P. KESHA RAO, J

Date: 3.7.2018.

KPM

