

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.3249 of 2018

ORDER :

This Criminal Revision Case is arising out of the interim order dated 26.09.2018 in CrI.MP.No.40 of 2018 in M.C.No.15 of 2017 passed by the learned Family Court-cum-VIII Additional District Judge, Prakasam District at Ongole.

Respondent No.1-wife has filed M.C.No.15 of 2017 against the petitioner-husband along with an application in CrI.MP.No.40 of 2018 seeking interim maintenance of Rs.10,000/- per month till disposal of M.C.No.15 of 2017. The trial Court, on consideration of the material on record, has allowed the said petition vide impugned order dated 26.09.2018 granting interim maintenance @ Rs.4,000/- per month from the date of filing of the petition i.e., 27.12.2017 by deducting the maintenance already paid by the petitioner, if any. Challenging the said order, the petitioner has filed the present revision.

Heard learned counsel for the petitioner and the learned Public Prosecutor and the revision is being disposed of at the admission stage.

Learned counsel for the petitioner submits that the petitioner is working as a Teacher and earning a sum of Rs.10,000/- per month and he is unable to pay maintenance

@ Rs.4,000/- per month to respondent No.1 herein. Learned counsel for the petitioner further submits that respondent No.1 has deserted the petitioner voluntarily and, as such, she is not entitled for claiming maintenance. It is further submitted that the petitioner has also filed HMOP.No.9 of 2018 against respondent No.1 herein seeking restitution of conjugal rights and, therefore, if respondent No.1 comes and join him, the petitioner is ready to take her back and maintain her.

Ordinarily, this Court would not entertain the revisions filed against the interlocutory orders. As the present revision arises out of the interlocutory order passed by the trial Court granting interim maintenance in M.C.No.15 of 2017, in view of the provision under Section 397(2) of Cr.P.C., the revision itself is not maintainable under law.

In view of the foregoing reasons, this Criminal Revision Case is dismissed. However, the petitioner may raise all the pleas available to him under law before the trial Court. The trial Court is directed to dispose of M.C.No.15 of 2017, expeditiously.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

27.11.2018
Msr

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.3249 of 2018



27.11.2018
Msr