

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.2966 OF 2017

ORDER:

This revision is arising out of order, dated 04.09.2017 passed in M.P.No.1872 of 2016 in M.C.No.398 of 2016 by the Addl. Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Addl. Family Court-cum-XXIII Addl. Chief Judge-cum-IX AMSJ, Hyderabad.

2. The respondents 1 and 2 herein filed M.C.No.398 of 2016 against the petitioner herein under Section 125 Cr.P.C. claiming maintenance of Rs.25,000/- each to the respondents 1 and 2 herein. The respondents also filed M.P.No.1872 of 2016 under Section 125 (1) Cr.P.C. seeking interim maintenance. The trial Court on consideration of material on record, granted interim maintenance of Rs.10,000/- per month to the 1st respondent herein and Rs.5,000/- per month to the 2nd respondent herein. Aggrieved by the impugned order, this revision is preferred by the petitioner herein.

3. Heard learned counsel for the petitioner, learned counsel for the respondents 1 and 2 and perused the material on record.

4. Learned counsel for the petitioner submits that the petitioner has lost employment and he has no earning capacity now. The 1st respondent is working as Accountant and earning sufficient income. Therefore, the interim maintenance awarded by the trial Court may be reduced. He further submits that the petitioner has been paying the interim maintenance regularly to the respondents after filing this revision.

5. On the other hand, learned counsel for the respondents 1 and 2 submits that the petitioner is working as Electrical Engineer and he has capacity to pay maintenance

amount. The petitioner has not paid any amount after filing of this revision and therefore, the order passed by the trial Court granting interim maintenance may be confirmed.

6. Admittedly, the trial Court has tentatively granted interim maintenance basing on the affidavits of both parties. Since it is at the stage of interlocutory application, the trial Court basing on the affidavits has granted Rs.10,000/- per month and Rs.5,000/- per month respectively to the respondents 1 and 2 herein.

7. In view of the submissions made by the learned counsel for the petitioner and the respondents 1 and 2, which are subject to proof by adducing appropriate evidence by both parties and keeping in view of the fact that only interim maintenance was granted by the trial Court, the interim maintenance amount is reduced to Rs.11,000/- per month from Rs.15,000/- per month. The petitioner is directed to deposit arrears of maintenance amount at the rate of Rs.11,000/- per month from the date of this revision before the trial Court within 15 days from the date of this order, and keep paying the maintenance @ Rs.11,000/- per month before the trial Court till disposal of the M.C.

8. Accordingly, the Criminal Revision Case is partly allowed. The trial Court is directed to dispose of M.C.No.398 of 2016 as expeditiously as possible. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 18-12-2018

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