

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3419 OF 2018

ORDER:

This revision is arising out of order, dated 23.10.2018 passed in CrI.M.P.No.143 of 2018 in FCOP No.94 of 2012 by the Family Court-cum-XII Addl. District Court, Guntur.

2. The revision petitioner is the husband of the 2nd respondent and father of the 3rd respondent. The 2nd respondent herein filed M.C.No.94 of 2014. The revision petitioner has filed CrI.M.P.No.143 of 2018 under Section 91 Cr.P.C. to direct the 1st respondent to produce the documents mentioned in the petition. The particulars of the documents mentioned in the petition are, copy of appointment order, interview letter, copy of joining report into State Bank of India, present salary certificate, copies of documents regarding immovable property i.e., sale deeds, copies of savings bank account and also FDR particulars, copies of I.T. returns, copy of statement of account pertaining to the property and property statement of the 1st respondent. All these documents are pertaining to the 1st respondent. The 1st respondent has not claimed any maintenance as she is having sufficient source of income to maintain herself and the maintenance was claimed only for her daughter. At the stage of cross-examination of P.W.1, the present petition is filed under Section 91 Cr.P.C. for a direction to the 1st respondent to produce all the documents. The trial Court on consideration of material on record, dismissed the petition. Hence this revision.

3. As far as documents sought to be filed by the 1st respondent are concerned, they are all pertaining to the 1st respondent. The 1st respondent had given up her claim for maintenance. Therefore, there is no necessity to call for

those documents and the trial Court also dismissed the said petition. If the petitioner intends to prove those documents, he may obtain those documents from the concerned authorities and file in his evidence.

4. On the other hand, the order passed by the trial Court on a petition filed under Section 91 Cr.P.C. is an interlocutory order. Therefore, the revision is not maintainable under Section 397 (2) Cr.P.C. In view of the merits and also the nature of application and the stage of case, this revision is not maintainable.

5. Accordingly, the Criminal Revision Case is dismissed. However, the petitioner is given liberty to avail the remedies available to him under law. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 20-12-2018

Hsd

