

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3011 OF 2017

JUDGMENT:

The present Criminal Revision Case is preferred under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'code') by the respondent (husband) questioning the order dated 25.09.2017 in M.C. No.307 of 2014 passed by the learned Judge, Additional Family Court, Hyderabad, awarding a monthly maintenance of Rs.7,000/- to each of the petitioners therein, who are respondent Nos.1 and 2 herein, from the date of petition, under Section 125 of the Code.

2. Heard Sri Mohammed Zafrullah, learned counsel for the revision petitioner, and Sri Nazir Ahmed Khan, learned counsel for respondent Nos.1 and 2, and perused the material on record.

3. The submission of the learned counsel for the petitioner is that both in Domestic Violence Case and in Maintenance Case, and even in the statements recorded under Section 161 of the Code, the revision petitioner described his profession as driver of auto-rickshaw, owning no property and no source of income, still, the Court below awarded Rs.7,000/- per month to each petitioner which is totally excessive and the revision petitioner cannot meet it as he has no means to pay the same.

4. The learned counsel for respondent Nos.1 and 2, on the other hand, supported the order under challenge.

5. The learned Judge, Additional Family Court, having examined the evidence of PW.1, wife of the revision petitioner, and Exs.P-1 to P-4 and the evidence of RW.1 and also Exs.R-1 and R-2 documents marked on his behalf, taken note of the amounts awarded in the DVC case to respondent Nos.1 and 2 and recorded finding that the amounts awarded by the DVC Court are not sufficient to meet the maintenance including their education, however, he recorded that the wife, who is the mother of the children, was drawing salary of Rs.40,000/- by working as Government Teacher, and granted Rs.7,000/- per month to each respondent.

6. In the present maintenance case, the learned Judge, Additional Family Court, while appreciating the evidence on record, referred to the answers given in his cross-examination by the revision petitioner as RW.1, admitting that his father has worked as Sub-Inspector of Police and died in the month of October, 2016, and he is the only son to his parents and his mother is getting family pension and all his three sisters are married and his brothers-in-law are working as police constable, teacher and another employed in Dubai, and he admits that his occupation is mentioned as business in his marriage certificate, but, attempted to clarify it by stating that he stated his profession as auto-rickshaw driver, which cannot be believed as the Qazi cannot have any interest in writing wrongly the

occupation of the revision petitioner. In his further cross-examination, he even admitted that he owned a three-storied building in Sanga Reddy and a BSNL tower was erected on the terrace of his house, and based on these admissions, the learned Judge, Additional Family Court, arrived at the finding that the revision petitioner deliberately suppressed his occupation as business and falsely claimed as if he is an auto-rickshaw driver and under these circumstances, awarded Rs.7,000/- to each respondent. When such admissions are made by RW.1 in his cross-examination and sticking to the stand that he is only an auto-rickshaw driver without any means and he cannot meet the maintenance amount awarded by the Court below is not convincing to set aside the order passed by the trial Court. Thus, there is no merit in the present revision case.

7. The amounts of Rs.3,000/- to each respondent awarded by the DVC court were very meagre and, therefore, according the amounts of Rs.7,000/- to each of the respondents herein, in the Maintenance Case cannot be faulted.

8. Thus, the order under challenge does not suffer from any patent illegality warranting interference of this Court.

9. Therefore, the present Criminal Revision Case is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand dismissed.

A. SHANKAR NARAYANA, J

January 5, 2018.

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