

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No. 3498 of 2018

O R D E R:

This revision case arises out of the order dated 30.09.2016 passed in CrI.M.P.No.1930 of 2015 in M.C.No.11 of 2015 by the Additional Judicial Magistrate of I class, Kandukur.

The petitioner herein is the respondent in MC No.11 of 2015. Respondent No.2 herein, who is the wife of the petitioner and mother of respondent No.3 filed a petition under Section 127(1) Cr.P.C. seeking interim maintenance of Rs.15,000/- per month for their livelihood and for medical expenses. Considering the material available on record, the trial court granted interim maintenance of Rs.5,000/- per month to the respondent Nos.2 and 3/petitioners towards their monthly expenses and an amount of Rs.5,000/- towards monthly maintenance of the respondent Nos.2 and 3/petitioners payable by the petitioner/respondent on or before 5th of every month. Aggrieved by the same, the present revision case is filed.

Heard learned counsel for petitioner and learned counsel for respondent Nos.2 and 3.

Learned counsel for petitioner/respondent would submit that the interim maintenance of Rs.5,000/- granted by the trial court is highly excessive and that the petitioner has been suffering with ill health and taking treatment and he is dependent on his parents and unable to pay maintenance to respondents.

Having regard to the facts and circumstances of the case, this court is of the considered view that the grounds urged by the petitioner/respondent are not sufficient and valid to reduce the interim maintenance granted to the respondents/ petitioners. Since it is only an order of granting interim maintenance, petitioner/respondent may approach the trial court and produce the evidence to prove the income of both the parties and on consideration of the material available on record, the trial court shall dispose of the main MC as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of the order.

With the above observation, the criminal revision case is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

24.12.2018
Mjl/*