HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.3241 of 2017

ORDER:

Heard Sri N. Hanuman Naik, learned counsel for petitioner, Sri Ch. Upendra, learned counsel for respondents 2 to 4 and learned Additional Public Prosecutor for respondent No. 5.

2. The Criminal Revision Case is filed by the petitioner/respondent aggrieved by the order dated 8.5.2017 in Crl.M.P.No. 302 of 2016 in M.C.No. 234 of 2013 passed by the Judge, Family Court, Ranga Reddy District, whereunder the learned Judge allowed the petition filed by the petitioner to set aside the ex-parte order dated 20.8.2016 in M.C.No. 234 of 2013 and permitted to contest the petition in the said MC on the condition of his depositing 50% of the arrears amount payable by 1.6.2017. It should be noted since he has not complied with the said condition the Court dismissed his petition on 1.6.2017.

3. The submission of learned counsel for petitioner is that the direction by the lower Court to deposit 50% of the arrears amount is onerous since he is getting only a meager salary after deductions. In support of his contention, learned counsel for petitioner produced the

salary certificate of the petitioner, which shows that he works as Officer Subordinate in the Deputy Executive Engineer, I.B., Sub-Division, Hyderabad and gets gross salary of Rs. 38,593/- and after deductions he gets a net salary of Rs. 15,094/-. The salary certificate relates to the month of December 2017. On the strength of the said salary certificate, learned counsel would submit that it is very difficult for the petitioner to deposit 50% of the arrears amount and therefore, the percentage of the amount to be deposited may be reduced.

4. Per contra, learned counsel for respondent opposed the Criminal Revision Case.

5. It is seen, as per the docket order dated 8.5.2017, the lower Court permitted him to contest the matter on depositing of 50% of the arrears by 1.6.2017. The salary certificate produced for the month of December 2017 would show that the petitioner gets a gross salary of Rs. 38,598/-. Though there are some deductions, except the professional tax which is a statutory deduction, the other deductions are either in the form of contributions towards GPF and GIS etc., or towards repayment of loans taken by him. Hence, except statutory deductions, other deductions cannot be taken into consideration as they are in the form of contributions for future safety. In the

circumstances, 50% arrears directed to be deposited cannot be contended to be onerous.

6. Accordingly, while dismissing the Criminal Revision Case, time earlier granted by the lower Court is extended till 31.3.2018 for depositing arrears, failing which, this order shall be deemed cancelled.

7. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 06.02.2018
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