

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.3167 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner, challenging the order, dated 12.09.2017, passed in CrI.M.P.No.134 of 2017 in M.C.No.189 of 2015 by the IV Additional District Judge – cum – I Additional Family Judge, Ranga Reddy District.

2. Heard the learned counsel for the petitioner/husband, learned Assistant Public Prosecutor representing the 1st respondent-State, learned counsel for respondents 2 to 4/wife and children and perused the record.

3. Initially, by order, dated 16.03.2017, passed in M.C.No.189 of 2015, the Court below granted interim maintenance of Rs.15,000/- per month in favour of 2nd respondent/wife and Rs.5,000/- per month each to respondents 3 and 4. The said order was an *ex parte* order. When the petitioner/husband filed the subject Criminal Miscellaneous Petition in CrI.M.P.No.134 of 2017 before the Court below requesting to set aside the said *ex parte* order, the Court below, by the impugned order, modified its earlier order, dated 16.03.2017, and directed the petitioner to pay interim maintenance of Rs.7,500/- per month to the 2nd respondent and Rs.2,500/- per month each to respondents 3 and 4 on or before

5th of every succeeding month till the disposal of Maintenance Case. It is interim payment of maintenance.

4. The learned counsel for the petitioner/husband would submit that the petitioner/husband was not afforded an opportunity to contest the matter. The petitioner/husband is working as a tutor in a private organisation. His monthly salary is Rs.50,000/- and ultimately prayed to allow the Criminal Revision Case.

5. The learned counsel for the respondents 2 to 4 contends that the petitioner is the Managing Director of Development Centre for Children of Autism and his monthly salary is about Rs.2,00,000/-. There is nothing to interfere with the impugned order and ultimately prayed to dismiss the Criminal Revision Case.

6. First of all, the petitioner/husband remained *ex parte* in M.C.No.189 of 2015. Then, he filed the subject Criminal Miscellaneous Petition in CrI.M.P.No.134 of 2017 before the Court below to set aside the *ex parte* order, dated 16.03.2017, passed in M.C.No.189 of 2015, and the Court below, on 12.09.2017, passed a detailed order and modified the interim maintenance as mentioned above and made interim arrangement. In the course of submissions, it is brought to the notice of this Court that the respondents 2 to 4/wife and children are living separately from the petitioner/husband from 2015 onwards. It is also borne by the record that till date, no maintenance is paid to the respondents 2 to 4 by the

petitioner/husband. It indicates the attitude of the petitioner/husband. There is no infirmity in the reasoned order passed of the Court below warranting interference under Sections 397 & 401 of Cr.P.C. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

Dr. SHAMEEM AKTHER, J

03rd April, 2018
Bvv

