

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1589 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner to quash the order, dated 31.01.2019, passed in Crl.M.P.No.2535 of 2018 in D.V.C.No.81 of 2013 on the file of II Additional Junior Civil Judge – cum – X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, on the ground that the interpretation of the appellate Court order by the trial Court is bad in law.

2. Heard learned counsel for the petitioner and perused the record.

3. The appellate Court was pleased to conclude the judgment, dated 18.08.2017, rendered in Crl.A.No.789 of 2015 as mentioned herein:

“21. In the result, the appeal No.789 of 2015 is allowed and the monthly maintenance ordered by the lower court U/s.20 of the DV Act is enhanced from Rs.9,000/- to Rs.30,000/- per month. PW.1 is directed to open a savings account in any Nationalized bank or post office and the 1st respondent is directed to deposit the maintenance amount regularly in the said account on or before 10th of every succeeding month from the date of the order and accordingly the order passed by the II AJCJ-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur in DVC No.81/2013 dated 24-07-2015 is modified.”

4. In the aforementioned paragraph, there is a mention 'to deposit the maintenance amount regularly in the said account on or before 10th of every succeeding month from the date of the order'. In the said conclusion, there is no specific mention of date of which order i.e., whether the order passed by the appellate Court or the order passed by the D.V.C. Court.

5. Under these circumstances, the petitioner can seek clarification from the Court of Sessions, which passed the aforementioned order.

6. With the above observation, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

March 13, 2019.
MD

Dr. SHAMEEM AKTHER, J