

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.1298 of 2019

ORDER :

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 31.12.2018 passed in M.C.No.83 of 2018 by the Addl. Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Family Court-cum-XXIII Addl. Chief Judge-cum-IX Addl. Metropolitan Sessions Judge, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

3. Respondents 1 and 2 herein filed M.C.No.83 of 2018 under Section 125 Cr.P.C. claiming maintenance from the petitioner herein at the rate of Rs.20,000/- per month to the 1st respondent and at the rate of Rs.15,000/- per month to the 2nd respondent.

4. The notice sent to the petitioner herein (husband) by the trial Court by Registered post was not returned, though one month time has elapsed. Hence, the trial Court deemed that there was due service of notice on him. The petitioner herein was called absent on the date of adjournment before the trial Court and hence, the trial Court set him ex parte. The 1st respondent herself was examined as P.W.1 and got marked Exs.P1 to P8.

5. After considering the evidence of P.W.1 and documents, the trial Court granted maintenance at the rate of

Rs.10,000/- per month to the 1st respondent herein and Rs.5,000/- per month to the 2nd respondent herein. The petitioner herein was further directed to deposit the arrears within 3 months and continue to deposit the monthly maintenance in the account of the 1st respondent on or before 5th of every succeeding month. Hence, this revision.

6. Learned counsel for the petitioner submits that without considering the fact that the notice sent to him was neither served nor returned ~~un-served~~, the trial Court set him ex parte. He further submits that the 1st respondent never satisfied the petitioner nor his parents and never led happy family life and the 1st respondent neglected the petitioner. He further submits that the 1st respondent is working as a teacher and she is not dependent on her parents, whereas the petitioner is unemployed and is totally dependent on his father's earnings as he lost his Saudi job because of the 1st respondent. Hence, he prays to allow the revision.

7. On the other hand, learned counsel for the respondents submits that the petitioner contracted second marriage with one Fareeya, who is a divorcee having a male child, that the 1st respondent lodged a report with WPS, CCS, Hyderabad. He further submits that the petitioner failed to look after the respondents. He further submits that the trial Court after considering both oral and documentary evidence granted maintenance to the respondents and there are no grounds to interfere with the same.

8. The 1st respondent who was examined as P.W.1 deposed that her marriage with the petitioner was celebrated on 19.08.2015 at Champapet, Hyderabad, according to Muslim Rites and Customs, which was love cum arranged marriage. At the time of marriage, her parents gave cash of Rs.1 lakh, 5 tulas of gold ornaments and 15 tulas of silver articles to the petitioner as dowry. Out of their wedlock, they were blessed with a child (2nd respondent herein). Exs.P1 to P3 show that she is the legally wife of the petitioner and 2nd respondent is their legitimate child. She further deposed that after one month of the marriage, the petitioner started harassing her to bring additional dowry of Rs.4 lakhs, but her father arranged Rs.50,000/-. Thereafter, the petitioner and his family members have taken all her gold ornaments and while she was pregnant, she was necked out of the house. She further deposed that she lodged a report with WPS, DD, basing on which, police registered a case in FIR No.562 of 2017. She is residing at her parents house and the petitioner being husband has obligation to provide maintenance to her. She further deposed that she is a house wife and has no means to maintain herself and the 2nd respondent. The petitioner is running a Gym and also doing Real Estate Business and earning income of Rs.1,80,000/- per month. On the other hand, the petitioner did not adduce any rebuttal evidence to disprove the same. Hence, I do not find any illegality in the order passed by the trial Court warranting

interference of this Court. It seems that only in order to drag on the proceedings, the petitioner filed this revision.

9. Therefore, the petitioner herein (husband) is directed to deposit the entire arrears of maintenance amounting to Rs.3,75,000/- (after deducting the amount, which has already been paid by him) within a period of six (6) weeks from today. Further, the petitioner shall continue to make payment of the maintenance amount of Rs.15,000/- per month awarded by the trial Court on or before 10th of every succeeding month, commencing from the month of February, 2020.

10. With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending shall stand closed.

DATED: 24.02.2020.
Hsd

JUSTICE G.SRI DEVI

