

THE HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.32 of 2021

ORDER:

This Criminal Revision Case, under Section 397 read with 401 of code of Criminal Procedure, is filed by the petitioner/respondent aggrieved by the order, dated 03.12.2020, in CrI.M.P.No.02 of 2020 in M.C.No.20 of 2019 passed by the Judge, Family Court-cum-VI Additional Sessions Judge, Khammam.

2. The petitioner herein is the respondent in the aforesaid Maintenance Case. He is husband of the 2nd respondent. The 2nd respondent herein filed the aforesaid Maintenance Case against the petitioner herein under Section 125 of Cr.P.C., to grant maintenance of Rs.1,00,000/- per month from the date of the said petition. The Court below, vide order, dated 24.04.2019, allowed the said Maintenance Case directing the petitioner herein to deposit an amount of Rs.1,00,000/- per month towards maintenance to the 2nd respondent herein. Aggrieved by the said order, the petitioner herein filed CrI.M.P.No.02 of 2020 in M.C.No.20 of 2019 before the Judge, Family Court-cum-VI Additional Sessions Judge, Khammam. The Court below, vide order, dated 03.12.2020, allowed aforesaid Miscellaneous Petition. Operative portion of the said order reads as follows:

“In the result, the petition is allowed and the exparte order dated 16.04.2019 is set aside subject to condition of petitioner depositing half of the arrears of maintenance allowance as on this date, on or before 5th of January, 2021, failing which the petition shall stand dismissed.”

3. Aggrieved by the said order, the present Criminal Revision Case is filed.

4. Heard learned counsel for the petitioner and learned counsel for the 2nd respondent.

5. This Court, vide order, dated 27.01.2021, suspended the order, dated 03.12.2020, in CrI.M.P.No.2 of 2020 in M.C.No.20 of 2019 subject to condition of petitioner depositing a sum of Rs.5,00,000/-. Pursuant to the direction of this Court, the petitioner herein had deposited a sum of Rs.5,00,000/- on 19.02.2021. Learned counsel for the petitioner also filed a Memo, dated 02.03.2021, along with Photostat copy of challan, to that effect.

6. Having regard to the same and considering the facts and circumstances of the case, without going into the merits of the case, this Criminal Revision Case is disposed of directing the trial Court to dispose of M.C.No.20 of 2019 on merits, after giving due opportunity to both parties, as expeditiously as possible, preferably within a period of two (2) months from today. It is needless to mention that the 2nd respondent may file an application before the trial Court for withdrawal of the amount deposited by the petitioner.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

10th JUNE, 2021

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Date: 10.06.2021

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