

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL REVISION CASE NO: 808 OF 2007

Criminal Revision Case under Section 397(1) & 401 of Cr.P. Against the Judgment made in M.C.No. 293 of 2005 Dated on the file of the Court of the Addl. Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Cases-cum- Addl. Family Court, Hyderabad.

Between:

Ch. Raghunath, S/o Samaiah, aged 30 years, Occ: Unemployeed, R/o H.No. MIG 57, VII Phase, KPHB Colony, Hyderabad.

...Petitioner/respondent

AND

1. SMT. CHATARI SARITHA, W/o Ch. Raghunath, aged 23 years, Occ: Household, R/o 22-5-732/A, Charminar Choke Maidan, Near Marwadi Bhavan, Hyderabad
2. The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of A.P., at Hyderabad.

...Respondents/petitioner

CRLRCMP, NO: 1197 OF 2007

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dt. 14-03-2007 in M.C.No. 293 of 2005 passed by the Addl. Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Cases-cum- Addl. Family Court, Hyderabad pending disposal of the Criminal Revision Case.

Counsel for the Petitioner : SRI. V HARI HARAN, Advocate

Counsel for the Respondent NO.2 : PUBLIC PROSECUTOR

Counsel for the Respondent No.1 : SRI RAMPRASAD PATHIPAKA

The Court delivered the following: Judgment

THE HONOURABLE JUSTICE G. SRI DEVI

CRL.R.C.No.808 OF 2007

JUDGMENT:

This criminal revision case is directed against the order dated 14.03.2007 in M.C.No.293 of 2005, on the file of the Additional Metropolitan Sessions Judge cum-Additional Family Court, Hyderabad, wherein the said maintenance case filed by the respondent-wife was partly allowed awarding an amount of Rs.1,500/- per month to the first respondent-wife towards maintenance from the date of petition.

2. Heard the learned counsel for the petitioner-husband and the learned counsel for the first respondent-wife. Perused the record.
3. The first respondent herein is the wife. She filed M.C.No.293 of 2005 seeking maintenance. By order dated 14.03.2007, the learned Judge, Family Court, granted maintenance of Rs.1,500/- per month to the first respondent. Aggrieved thereby, the revision petitioner-husband filed the present criminal revision case.
4. During enquiry, the first respondent herein was examined as P.W.1 and P.Ws.2 to 4 were also examined and Exs.P-1 to P-4 were marked and the petitioner herein was examined as R.W.1 and R.W.2

was also examined and Exs.R-1 to R-10 were marked. Based on the evidence available on record, the learned Judge, Family Court, recorded the findings as stated above.

5. The learned trial Judge while answering issue No.2 has categorically held that there is no evidence to prove that the respondent is unable to do electrical business or electrical services as usual. The petitioner-husband produced Ex.R-3 case sheet along with medical prescriptions and medical bills which shows that he underwent medical treatment for the injuries sustained by him in the accident. Further, no evidence was adduced to prove that he is not an able bodied person at present. The accident occurred in the year 2004 and he was discharged from the hospital and his mental faculties are functioning properly which is evident from the fact that he can give his evidence effectively. He cannot deny adequate maintenance to the wife on the ground that he sustained injuries in the accident somewhere in the year 2004. Accordingly, the learned Judge, Additional Family Court came to the conclusion that the revision petitioner was in all probability earning not less than Rs.5,000/- per month on the business and awarded an amount of Rs.1,500/- per month towards maintenance to the respondent-wife from the date of

the petition i.e., 12.12.2005 to be paid on or before 10th of every month. The grounds raised by the revision petitioner that he had undergone operation to the brain and he is not attending works, is not tenable, without there being any evidence on record. This court is in agreement with the findings recorded by the court below and is not inclined to interfere with the said findings.

6. According to the respondent-wife, the petitioner was in arrears. Therefore, the revision petitioner-husband is directed to deposit the entire arrears of maintenance within a period of three months from today and shall continue to pay the maintenance as awarded by the court below commencing from February, 2022 on or before 10th of March, 2022, failing which the respondent-wife is at liberty to realize the same in accordance with law.

7. The impugned order does not suffer from any illegality or irregularity warranting interference by this Court in exercise of revisional jurisdiction.

8. In the result, the criminal revision case is dismissed.

9. Pending miscellaneous petitions, if any, stand closed.

SD/-A.V.S.S.C.S.M SARMA
DEPUTY REGISTRAR

//TRUE COPY//



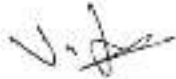
SECTION OFFICER

To,

1. Addl. Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Cases-cum- Addl. Family Court, Hyderabad
2. One CC to SRI. V HARI HARAN Advocate [QPUC]

3. One CC to SRI. PUBLIC PROSECUTOR Advocate [OPUC]
4. One CC to SRI. 9526/RAMPRASAD PATHIPAKA Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

SB

A handwritten signature in black ink, appearing to be 'V. J.', is written over the 'SB' text.

HIGH COURT

DATED:21/02/2022

JUDGMENT

CRLRC.No.808 of 2007



Dismissing the CRL.R.C.

⑦ VLV
4/3/22