

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

CRIMINAL REVISION CASE No.425 OF 2021

ORDER: (Per Hon'ble Dr. Justice Shameem Akther)

This revision case, under Sections 397 and 401 Cr.P.C., is filed by the petitioner/appellant, aggrieved by the judgment, dated 30.01.2021, passed in CrI.A.No.81 of 2018 by the learned III Additional Sessions Judge, Warangal, whereby, the subject appeal filed by the petitioner/appellant, under Section 29 of the Protection of Women from Domestic Violence Act, challenging the order, dated 23.05.2018, passed in D.V.C.No.27 of 2015 by the learned VI Additional Judicial Magistrate of First Class, Warangal, was partly dismissed and partly allowed.

2. Heard the learned counsel for both sides and perused the record.

3. The operative portion of the impugned judgment, dated 30.01.2021, reads as follows:

“13. IN THE RESULT, the petition is PARTLY DISMISSED AND PARTLY ALLOWED to the extent of setting aside the maintenance amount granted to respondent No.1. The amount of maintenance of Rs.4,000/- each is granted to respondents 2 & 3 payable from the date of their petition in the Trial Court and the compensation amount of Rs.2,00,000/- (Rs.Two lakhs only) (payable by the appellant in four

instalments within one year from the date of this order)
granted to the respondents is confirmed.”

4. The facts of the case, in brief, are that the marriage between the petitioner and the respondent No.2 was performed on 23.04.2000. During their wedlock, they begot two female children. The respondent No.2 filed D.V.C.No.27 of 2015 on the file of learned VI Additional Judicial Magistrate of First Class, Warangal, against the petitioner and his family members alleging that they were harassing her physically and mentally demanding additional dowry and that the petitioner is suspecting her character and fidelity; making false propaganda against her that she is having illicit intimacy with others; and that he is also denying fatherhood of the children. The learned Magistrate *vide* order, dated 23.05.2018, allowed the subject D.V.C. in part and directed the petitioner to pay Rs.4,000/- per month to each of the respondent Nos.2 to 4 towards maintenance from the date of petition and to pay an amount of Rs.2,00,000/- in four monthly instalments to the respondent Nos.2 to 4 towards compensation for committing domestic violence acts, besides granting other relief/s. Aggrieved by the same, the petitioner preferred the subject Crl.A.No.81 of 2018 before the Court below and the Court below *vide* the impugned judgment, dated 30.01.2021,

partly dismissed and partly allowed the appeal, as indicated above. Aggrieved by the same, the present revision case is preferred by the petitioner.

5. Learned counsel for the petitioner would vehemently contend that basing on a criminal case pending in C.C.No.582 of 2015 on the file of I Additional Judicial Magistrate of First Class, Warangal, registered for the offences under Section 498A IPC and Sections 3 and 4 of the Dowry Prohibition Act, the trial Court granted maintenance at Rs.4,000/- per month to each of respondent No.2 as well as respondent Nos.3 and 4 (children of respondent No.2). The said C.C. ended in acquittal *vide* judgment, dated 20.01.2021. Therefore, the impugned judgment is liable to be modified.

6. On the other hand, learned counsel for the respondent Nos.2 to 4 supported the impugned judgment.

7. Here it is apt to state that the requirements under Section 498A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act and the grant of maintenance and compensation in a D.V.C. are distinct. Acquittal in C.C.No.582 of 2015 on the file of I Additional Judicial Magistrate of First Class, Warangal, registered

for the offences under Section 498A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, would not be of any advantage to the petitioner to vary the impugned orders passed by both the Courts below. The findings recorded and the conclusions reached by both the Courts below are based on the oral and documentary evidence on record. There is no perversity or manifest illegality in the impugned judgment, so as to interfere with the same, as the scope of this Court under Sections 397 and 401 Cr.P.C. is very limited. In view of these circumstances, the contentions raised on behalf of the petitioner do not merit consideration.

8. With the above observations, the Criminal Revision Case is disposed of.

Miscellaneous Petitions, if any, pending in this revision case shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 07.12.2022
MD