

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL REVISION CASE No.565 of 2021

ORDER:

Heard the submission of Sri Jignesh N. Mota, learned counsel for the petitioner as well as Ms. Sandhya Rani Sooram, Advocate, representing Sri A. Laxminarayan, learned counsel, who is on record for respondent No.2.

2. Challenge in this Criminal Revision Case is the order that is rendered by the Court of XV Additional District and Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, in CrI.M.P.No.1186 of 2021 in CrI.A.No.168 of 2021, dated 18.11.2021.

3. By the material available on record, what could be perceived is, that respondent No.2 filed a Domestic Violence Case vide D.V.C.No.33 of 2015 under Section 12 of the Protection of Women from Domestic Violence Act, 2005. In the said case, interim relief was granted in her favour. However, the petitioner herein failed to respond. Thereupon, Non-bailable Warrant(NBW) was issued against him. Aggrieved by the same, the petitioner filed CrI.M.P.No.814 of 2021 seeking the Court to recall the Non-bailable Warrant. The Court of VIII Additional Metropolitan

Magistrate, Cyberabad at Kukatpally, through order in Crl.M.P.No.814 of 2021 in D.V.C.No.33 of 2015, dated 25.08.2021 granted relief to the petitioner conditionally. The operative portion of the said order, which is at paras-11 and 12, is as under:

“11. Thus, at this stage, without payment of arrear amounts by petitioner/respondent No.1, this Court cannot recall the NBW imposed against petitioner/respondent No.1, as he not shown sufficient grounds for non-payment of arrears amount.

12. However, this Court providing the privilege to the respondent No.1/petitioner to pay atleast $\frac{1}{4}$ of the interim maintenance at present and remaining arrears amount through equivalent installments as per the convenience of respondent No.1/petitioner with leave of the Court.”

4. Aggrieved by the said order dated 25.08.2021, the petitioner filed an appeal vide Crl.A.No.168 of 2021. In the said appeal, the petitioner moved a Miscellaneous Petition vide Crl.M.P.No.1186 of 2021 seeking the Court to suspend the operation of the order that was rendered by the Court of VIII Additional Metropolitan Magistrate, Cyberabad at Kukatpally, in Crl.M.P.No.814 of 2021. The appellate Court allowed the said application conditionally directing the petitioner to pay $\frac{1}{4}$ th of the admitted interim maintenance amount of Rs.11,00,000/- on or before 30.11.2021.

However, without paying the said amount, the petitioner preferred the present Criminal Revision Case.

5. Making his submission, learned counsel for the petitioner contends that directing the petitioner to pay huge amount is unjustifiable and, therefore, the petitioner has approached this Court for modification of the said order.

6. On the other hand, learned counsel for respondent No.2 submits that not even a single pie is paid towards maintenance for many years and after the Courts started taking stringent action, the petitioner has come up with a proposal to pay maintenance and upto now, by the order of this Court, only a sum of Rs.1,50,000/- is paid. Learned counsel for respondent No.2 also states that the petitioner is residing at USA and is furnishing false address and avoiding the process of law and he has not even cared the NBW issued against him.

7. Keeping those allegations aside, this Court does not find any infirmity in the order that is rendered by the Court of XV Additional District and Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, directing the

petitioner to pay 1/4th of the admitted interim maintenance of Rs.11,00,000/-. No grounds whatsoever, more-so justifiable grounds are found in the impugned order.

8. Therefore, this Court is of the view that the present Criminal Revision Case lacks merits and the same deserves to be dismissed.

9. Resultantly, this Criminal Revision Case is dismissed. The revision petitioner is directed to pay the amount due as per the order of the Court of XV Additional District and Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, in Crl.M.P.No.1186 of 2021 in Crl.A.No.168 of 2021, dated 18.11.2021 within a period of ten (10) days from this day. In case the said amount is not paid, the Court of XV Additional District and Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, is at liberty to proceed against the petitioner as per law. In case, the petitioner has paid any amount till date, out of the amount due, the amount already paid shall be given credit to. Interim order granted by this Court shall stand vacated.

10. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

04.08.2022.

Msr

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