

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL REVISION CASE NO: 341 OF 2022

Criminal Revision Case under Section 397 & 401 of Cr.P.C against the Judgment dated 17-12-2021 made in M.C.No.239 of 2020 on the file of the Court of the Addl. Metropolitan Sessions Judge For The Trial of JHCBBC-Cum- Addl. Family Court -Cum- XXIII Addl. Chief Judge - Cum-IX Addl. Metropolitan Sessions Judge, at Hyderabad.

Between:

Sri Kondamudi Shyam Kishore, S/o. Late Adams, Aged about 50 years, Occ Nil, R/o. H.No. 9-4-131/N/82, Niraja Colony, Tolichowki, Hyderabad.

...PETITIONER/RESPONDENT

AND

1. Smt. M. Pratibha Sharoon, W/o. K Shyam Kishore, Aged about 46 years, Occ Private Teacher.
2. Ms. Kondamudi Vironica, D/o. K Shyam Kishore, Aged about 19 years, Occ Student,

Both are R/o. H. No. 13-6-197/A, Upparbasthi, Karwan, Kulsumpura, Hyderabad-500006.

3. The State of Telangana, Rep. by P.P. Office, High Court of Hyderabad.

...RESPONDENTS/PETITIONERS

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Revision Case, the High Court may be pleased to suspend the order, dt.17-12-2021 passed in M.C. No. 239 of 2021, on the file of learned Addl. Metropolitan Sessions Judge For The Trial of JHCBBC-Cum- Addl. Family Court -Cum-XXIII Addl. Chief Judge -Cum-IX Addl.

Metropolitan Sessions Judge, Hyderabad, pending disposal of the above Criminal Revision Case.

Counsel for the Petitioner: SRI K.L.B.KUMAR

Counsel for the Respondent Nos.1 & 2: SRI MOHD MOIN AHMED QUADRI

**Counsel for the Respondent No.3: SRI S. GANESH, ASST. PUBLIC
PROSECUTOR**

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL REVISION CASE No.341 of 2022

ORDER :

This Criminal Revision Case is filed seeking to set aside the order in M.C.No.239 of 2020, dated 17.12.2021, on the file of learned Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court - cum-XXIII Additional Chief Judge-cum-IX Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard learned counsel for the petitioner, learned counsel appearing for respondent Nos.1 and 2 and Sri S.Ganesh, learned Assistant Public Prosecutor. Perused the record.

3. The brief facts of the case are that the maintenance case is filed by respondent Nos.1 and 2 herein against the revision petitioner under Section 125 of Cr.P.C seeking monthly maintenance of Rs.25,000/- for respondent No.1 and Rs.20,000/- to respondent No.2, totalling to Rs.45,000/- per month.

4. The learned Sessions judge considered the oral and documentary evidence filed by respondent Nos.1 and 2, as the revision petitioner did not appear before the Court below and an *ex parte* order was passed directing the revision petitioner to pay Rs.12,000/- per month each to respondent Nos.1 and 2 totalling to Rs.24,000/- per month towards their maintenance from the date of petition and also directed to pay the arrears of maintenance as ordered above from the date of filing of the Petition till the date of order, within three months from the date of order and shall continue to pay regular monthly maintenance to them on or before 5th of every succeeding month from the month of December, 2021.

5. Being aggrieved by the same, the respondent in the M.C has preferred this revision case. It is the contention of the revision petitioner that he has not received any notice during the period of COVID and notice was not served on him. On the other hand, judgment discloses that PW-1, though received notice, has not chosen to contest the case. Learned counsel for the revision petitioner specifically contended that he has not received notice and hence he could not contest before the Court below and therefore, prayed to set aside the order dated 17.12.2021.

6. On the other hand, learned counsel for respondent Nos.1 and 2 appeared and filed a detailed counter denying the contents of the petition and stated that the petitioner has not paid even a single pie till date, inspite of the orders passed by the learned Sessions Judge on 17.12.2021.

7. On perusal of the record and considering the submissions of both the parties, it is just and necessary to know whether the revision petitioner has received the notice in M.C No.239 of 2020 or not?

8. At this juncture, the learned counsel for the revision petitioner as well as respondent Nos.1 and 2 have consented to remand the matter back to the trial Court by fixing a time schedule to dispose of the main case. Therefore, this Court deems it appropriate to remand the matter to the trial Court for fresh disposal on merits.

9. Therefore, the impugned order dated 17.12.2021 is set aside and the matter is remanded to the trial Court. As the evidence of respondent Nos.1 and 2 herein is already on record, the trial Court shall record the oral and documentary evidence of revision

petitioner and pass appropriate orders in accordance with law within three months from the date of receipt of a copy of this order, without being influenced by any of the observations made by this Court.

10. With the above said observations, the criminal revision case is disposed of.

Miscellaneous applications, if any, pending in the Criminal Revision Case shall stand closed.

SD/- I. NAGALAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Additional Metropolitan Sessions Judge for the trial of JHCBBC Cum Additional Family Court Cum XXIII Additional Chief Judge Cum IX Addl. MSJ at Hyderabad.
2. Two CCs to THE PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
3. One CC to SRI K.L.B.KUMAR, Advocate [OPUC]
4. One CC to SRI MOHD MOIN AHMED QUADRI, Advocate [OPUC]
5. Two CD Copies

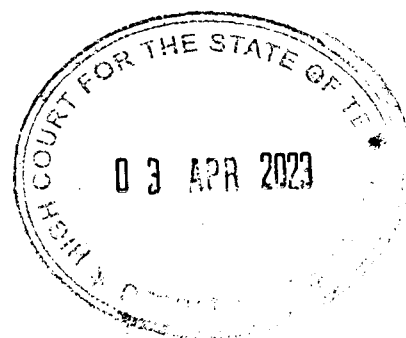
PSK.

HIGH COURT

DATED:24/03/2023

ORDER

CRLRC.No.341 of 2022



**DISPOSING OF THE CRLRC
WITHOUT COSTS.**

[Handwritten signature]
[Date: 04/04/2023]