

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

**THURSDAY, THE NINETEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**

**CRIMINAL REVISION CASE NO: 297 OF 2011**

(Criminal Revision filed under Section 397 and 401 of Cr.P.C aggrieved by the order passed in MC.No. 41 of 2009, dt.02-12-2010 on the file of the Addl. Metropolitan Sessions Judge for the Trial of JHCBBC-cum-Addl. Family Court-cum-XXIII Addl. Chief Judge, Hyderabad.)

**Between:**

B.Krishna Kumari, W/o B.S.Prasad, Houewife, R/o H.No.14-1-90/62, Gayatri Nagar, Borabanda, Hyderabad-18.

**...PETITIONER/Petitioner**

**AND**

1. B.Satyanarayana Siva Prasad, S/o Buptahi Venkateswarlyu, Govt. Serive, R/o Maruteru, Penumantra Mandal, West Godavari District.
2. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of A.P., at Hyderabad.

**...RESPONDENTS**

Counsel for the Petitioner : SRI. MADHAVA RAO AMBADIPUDI, Advocate

Counsel for the Respondent No.1: Sri K.KARANDAS, Advocate (None Appeared)

Counsel for the Respondent No.2: PUBLIC PROSECUTOR

The Court made the following **ORDER:**

**THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL**

**CRIMINAL REVISION CASE No.297 OF 2011**

**ORDER:**

The present Criminal Revision Case is filed seeking to set aside the orders passed in M.C.No.41 of 2009, dated 02.12.2010 on the file of XXIII Additional Chief Judge at Nampally.

2. Heard Mr.Madhava Rao, learned counsel for the petitioner, Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for the respondent-State and none appeared on behalf of unofficial respondent.

3. The brief facts of which are as under-

The petitioner is the legally wedded wife of the 2<sup>nd</sup> respondent and got married on 1.6.1993. After marriage the 2<sup>nd</sup> respondent harassed the petitioner mentally and physically and suspected her character and assaulted mercilessly. They have executed a memo of understanding on 23.3.2003 on counseling by his friend but continued his ill treatment. The 2<sup>nd</sup> respondent received dowry, gold ornaments and other household articles at the time of marriage and neglected the petitioner. The 2<sup>nd</sup> respondent is employed in Agricultural Research Station,

Maruteru earning more than Rs.30,000/- per month. Hence the petitioner filed M.C.No.41 of 2009 on the file of Additional Metropolitan Sessions Judge for the Trial of JHCBBC- cum- Additional Family Court cum XXIII Additional Chief Judge, Hyderabad and the Court directed the 2<sup>nd</sup> respondent to pay monthly maintenance of Rs.2,000/- to the petitioner. Aggrieved by the said order, the revision petitioner filed this case praying to set aside the order passed by lower Court and to pass an order granting Rs.5,000/- as monthly maintenance in the interest of justice.

4. The learned counsel for the revision petitioner submitted that the learned Court ought to have appreciated that the revision petitioner is not able to maintain herself and the law is very clear that the deserted wife is entitled to maintenance under 125 Cr.P.C. The petitioner is staying at the shelter provided by the State and that itself is quite clear that the petitioner is not able to maintain herself and depending upon the State to maintain herself and infact it is the duty of husband to maintain her. But the petitioner grievance has not been addressed properly by the learned lower Court and hence aggrieved by the order passed by the lower Court, this revision has been preferred before

this Court to enhance the maintenance from Rs.2,000/- to Rs.5,000/-.

5. Mr. Vizarath Ali, learned Assistant Public Prosecutor representing on behalf of the Public Prosecutor would submit that the order passed by the learned Appellate Court is appropriate and hence seeks to dismiss the criminal petition.

6. This Court upon careful consideration of the entire material available on record and after hearing the submissions made by the learned counsel and basing upon the merits of the case and as the grievance of the petitioner though it is genuine, is of the considered view that the maintenance granted to the petitioner is very meagre and inappropriate, as the cost of living standards of the people have escalated manifold. However, this Court is inclined to grant liberty to the petitioner to work out remedies before the lower Court in accordance with law and since this matter is pending before this Court, the learned lower Court may consider the delay in accordance with law.

7. Hence, this Criminal Petition is dismissed. However, liberty is granted to the petitioner to work out remedies before the lower Court in accordance with law. No costs.

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Miscellaneous Petitions, pending if any, shall stand closed.

SD/- M.RAMANA KRISHNA  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Addl. Metropolitan Sessions Judge for the Trial of JHCBBC-cum-Addl. Family Court-cum-XXIII Addl. Chief Judge, Hyderabad at Nampally.
2. One CC to Sri. Madhava Rao Ambadipudi, Advocate [OPUC]
3. One CC to Sri.K.Karandas, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OPUC]
5. Two CD copies.

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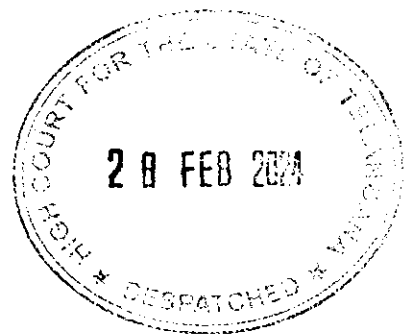
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**HIGH COURT**

**DATED:19/10/2023**

**ORDER**

**CRLRC.No.297 of 2011**



**CRL.RC. is Dismissed.**

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