

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY ,THE NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 2523 OF 2013

Revision filed under Section 397/401 of Cr.P.C., aggrieved by the order dated. 19-11-2013, in M.C.No.1 of 2011, on the file of the Court of the Judge, Family Court at Warangal.

Between:

Bollam Ravi, S/o. Narsaiah, Agriculture, R/o. Jeevantharaopally Village,
Mulugu Mandal, Warangal District.

...PETITIONER/RESPONDENT

AND

1. State of AP, represented by the Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.
2. Bollam Sravanthi, D/o. Naredla Rajaiah, Housewife, R/o. Venkatapur Village, Near Government School, Venkatapur Mandal, Warangal District.

...RESPONDENTS/RESPONDENTS

I.A. NO: 1 OF 2013(CRLRCMP. NO: 3950 OF 2013)

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 stay all further proceedings including the execution of the order dated.19-11-2013, in M.C.No.1 of 2011, on the file of the Court of the Judge: Family Court at Warangal.

Counsel for the Petitioner :SRI. A PRABHAKAR RAO

Counsel for the Respondent No.1: PUBLIC PROSECUTOR (TG)

Counsel for the Respondent No.2: Sri V. SRIKANTHA RAO

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.2523 OF 2013

ORDER:

This Criminal Revision Case is filed against the order dated 19.11.2013 in M.C.No.1 of 2011 on the file of the learned Judge, Family Court, at Warangal (for short, "the trial Court").

2. No representation on behalf of the petitioner. Heard Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for the respondent State.

3. There was no representation on behalf of the petitioner on 19.06.2023 and 02.08.2023. Even today also there is no representation on behalf of the petitioner. Therefore, this Court is inclined to proceed with the matter on merits of the case as per the decision of the Hon'ble Apex Court in "*Bani Singh and others Vs. State of Utter Pradesh*¹", wherein it was categorically held that the High Court cannot dismiss any appeal for non-prosecution *simpliciter* without examining the merits.

4. The brief facts of the case are that the trial Court vide order dated 19.11.2013 in M.C.No.1 of 2011 granted a sum of Rs.3,000/- per month towards maintenance to respondent No.2

¹ (1996) 4 Supreme Court Cases 720

from the date of this petition and such maintenance amount was directed to be deposited by the petitioner directly into the S.B. A/c. of the petitioner on or before 10th of every succeeding month through on-line banking. Respondent No.2 was directed to open S.B. A/c. in any one of the nationalized banks and furnish the details of her account within fifteen days for effecting payment by the petitioner. Aggrieved by the same, the present Revision.

5. A perusal of the record shows that this matter pertains to the year, 2013 and this Court vide order dated 16.12.2013 granted interim stay of operation of order passed by the trial Court, on condition of the petitioner depositing half of the arrears of maintenance amount awarded by the trial Court within four weeks. The petitioner was further directed to continue to pay the future maintenance at the same rate on or before 5th of every succeeding month. Till date, there is nothing available on record to show that the order passed by this Court is complied with.

6. Upon careful consideration of the entire material available on record, this Court is of the view that the maintenance granted to respondent No.2 is very meagre and appropriate. Challenging such meagre amount is not permissible at this stage as the cost of living standards of the people have escalated. Hence, I do not

find any reason to interfere with the order passed by the trial Court. Therefore, this Court is not inclined to entertain the Revision as the same is devoid of merits.

7. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Court of Judge, Family Court -cum- III Additional District & Sessions Judge, Warangal.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI. A. PRABHAKAR RAO Advocate [OPUC]
4. One CC to SRI. V.SRIKANTHA RAO Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:09/08/2023



ORDER

CRLRC.No.2523 of 2013

DISMISSING THE CRIMINAL REVISION CASE

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