

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY ,THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE Nos : 2451 OF 2016 AND 935 OF 2016

Crl.R.C.No. 2451 of 2016 :

Crl.Revision Case Under Section 397 & 401 of Cr.P.C. aggrieved by the order dated 10-07-2014 in Crl.A.No. 91 of 2013 on the file of the Court of the I Additional Sessions Judge at Adilabad preferred against the order dated 4-4-2013 in D.V.C.No.1 of 2011 on the file of the Court of the Special Judicial First Class Magistrate (Excise)at Adilabad.

Between:

1. Bakam Priyadarshini @ , Sushma W/o. B. Srinivas , age: 24 years , Occ: Housewife
2. Bakam Pandu @ Saivignesh S/o. B. Srinivas aged 4 years Minor (Student) (U/G. of his Natural Mother i.e. Petitioner No. 1)

Both are resident of C/o. C. Suresh S/o. C. Maruti , H.No. 1-1-472351/2, Sriram Colony, Sevadas School, Adilabad, District – Adilabad.

...PETITIONERS/ Petitioners

AND

1. Bakam Srinivas S/o. Ramaiah , Age: 36 years, Occ: Mobile Shop and Property Dealer Shirke Colony, Mancherial mandal, District – Adilabad.
2. The State of Telangana & State of A.P. rep. by its Public Prosecutor, High Court Building, Hyderabad .. Respondent/ Respondent

Counsel for the Petitioner: SRI. K. RAJASHEKAR

Counsel for the Respondent No. 1 : SRI C. HARI PREETH

**Counsel for the Respondent No.2 : VIZARATH ALI , ASST. PUBLIC
PROSECUTOR**

CRIMINAL REVISION CASE NO: 935 OF 2016

Crl.Revision Case Under Section 397 & 401 of Cr.P.C. aggrieved by the order dated 10-07-2014 in Crl.A.No. 92 of 2013 on the file of the Court of the I Additional Sessions Judge at Adilabad preferred against the order dated 4-4-2013 in D.V.C.No.1 of 2011 on the file of the Court of the Special Judicial First Class Magistrate (Excise)at Adilabad.

Between:

Bakam Srinivas, S/o.Ramayya, Aged 36 Years, Occ Mobile Shop and Cell Point, R/o.Naspur Colony, Q.No.1658, Sirke Colony, CCC Naspur, Mancherla Mandal, Adilabad District.
...**PETITIONER/ Appellant / Respondent**

AND

1. The State Of Telangana Rep. by its Public Prosecutor, High Court at Hyderabad.
2. Bakam Priyadarshini @ Sushma, W/o.Srinivas, Aged 25 Years
3. Bakam Pandu @ Saivignesh, S/o.Srinivas, Aged 4 Years (Minor), (U/G of his Natural Mother i.e., Respondent No.2) Both are R/o.C/o.C.Suresh, S/o.Maruthi, H.No.1-1-472351/2, Sriram Colony, Sevadas School, Adilabad Town and District.
...**RESPONDENT/ Respondent / Petitioner**

I.A. NO: 2 OF 2016(CRLRCMP. NO: 1347 OF 2016)

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings including execution in Crl.A.No.92 of 2013 in DVC.No.1 of 2011 dt.10.07.2014 of the I Addl. Sessions Judge at Adilabad confirming the order of the Special Judicial Magistrate of First Class (Excise) at Adilabad in DVC.No.1 of 2011 dt.04.04.2013.

I.A. NO: 2 OF 2015(CRLRCMP. NO: 4464 OF 2015)

Petition under Section 482 of Cr.P.c. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated 6-8-2015 granted in Crl.Rc.MP.No. 2476 of 2015 in Crl.Rc.Sr.No. 26015 of 2015.

Counsel for the Petitioner: SRI. C. HARI PREETH

Counsel for the Respondent No.1 : THE PUBLIC PROSECUTOR

Counsel for the Respondent Nos. 2 & 3 : SRI K. RAJASHEKAR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL
CRIMINAL REVISION CASE Nos.2451 and 935 OF 2016

COMMON ORDER:

The Criminal Revision Case Nos.2451 of 2016 and 935 of 2016 are filed seeking to set aside the judgment dated 10.07.2014 in Criminal Appeal No.91 of 2013 passed by the learned I Additional Sessions Judge, Adilabad (for short, "the appellate Court") in the interests of justice.

2. Since the issue involved in both the Revision cases is one and the same, they are being heard together and disposed of by way of common order.

3. For the sake of convenience, the facts in CrI.R.C.No.2451 of 2016 are discussed hereunder.

4. Heard Mr. K. Rajasekhar, learned counsel for the petitioners, Mr. C. Hari Preeth, learned counsel for respondent No.1 and Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for the respondent state.

5. The brief facts of the case are that the marriage between petitioner No.1 and respondent No.1 was performed on 22.11.2007. At the time of marriage the parents of the bride gave

an amount of Rs.1,00,000/- as net cash, one tula gold chain, one Hero Honda Shine Motor Cycle and other house hold articles worth Rs.1,00,000/- as dowry to the bride groom. They couple lived happily for some time and they were blessed with a son during their wedlock. Later, respondent No.1 started harassing petitioner No.1 for want of additional dowry. Respondent No.1 had illicit intimacy with other women and was a habitual drunkard, which caused her mental agony. Hence, petitioner No.1 left his company and started residing at her parents house along with her son.

6. Petitioner No.1 filed D.V.C.No.1 of 2011 seeking protection orders, monetary relief, compensation order etc. The Court of learned Special Judicial Magistrate of First Class (Excise), at Adilabad (for short, "the trial Court") vide order dated 04.05.2012 in D.V.C.No.1 of 2011 directed respondent No.1 to pay maintenance of Rs.5,000/- per month to petitioner No.1 and Rs.2,000/- per month to petitioner No.2 from the date of the order on or before 5th of every month. Respondent No.1 was further directed to return an amount of Rs.60,000/- which was worth of motorcycle to petitioner No.1. Aggrieved thereby, petitioners preferred an Appeal viz., CrI.A.No.91 of 2013 before

the appellate Court and the learned Judge vide Judgment dated 10.07.2014 modified the order passed by the trial Court by reducing the cost of the motor cycle from Rs.60,000/- to Rs.40,000/-. The rest of the finds of the trial Court were held good. Hence, the revision petitioners sought to set aside the judgment passed by the appellate Court.

7. Learned counsel for the petitioners would submit that at the time of marriage the parents of petitioner No.1 gave an amount of Rs.1,00,000/- as net cash, one tula gold chain, one Hero Honda Shine Motor Cycle worth Rs.60,000/- and other house hold articles worth Rs.1,00,000/- to the bride groom. The trial Court granted maintenance to petitioner Nos.1 and 2 which was upheld by the lower appellate Court. But the lower appellate Court reduced the amount to be paid towards motor cycle from Rs.60,000/- to Rs.40,000/- to petitioners. Therefore, learned counsel sought to set aside the impugned judgment.

8. Learned Assistant Public Prosecutor would contend that the lower appellate Court rightly upheld the order passed by the trial Court with regard to maintenance amount as well as return of the amount of Rs.40,000/- towards Motor Cycle to petitioners.

Therefore, submits that the interference from this Court is unwarranted.

9. A perusal of the record shows that the trial Court, on behalf of the petitioners examined PWs.1 to 3 and marked Exs.P1 to P4. On behalf of respondent No.1, examined RWs.1 to 3 and no documents were marked. Therefore, after careful consideration of the oral and documentary evidence on record, rightly passed the order dated 04.05.2012 in D.V.C.No.1 of 2011 granting maintenance of Rs.5,000/- per month to petitioner No.1 and Rs.2,000/- per month to petitioner No.2. However, directed for return of an amount of Rs.60,000/- which was worth of motor cycle. On an appeal being preferred, the lower appellate Court upheld the order passed by the trial Court to the extent of maintenance amount but modified the order with respect to the money payable towards motor cycle by reducing the amount from Rs.60,000/- to Rs.40,000/- payable to petitioners

10. The lower appellate Court upon close scrutiny of oral and documentary evidence held that the petitioner No.1 failed to file any receipts/purchase bills for the articles given by her father at the time of marriage towards dowry. Further, observed that the purchase of motor cycle in the name of respondent No.1 was

proved. Petitioner No.1 also failed to prove that respondent No.1 was the owner of properties and other agricultural lands by filing any documentary evidence. Coming to the claim of maintenance amount, respondent No.1 failed to produce any documentary evidence to show that petitioner No.1 was earning an amount of Rs.8,000/- per month by working as ANM.

11. Since, petitioner No.1 was unable to maintain herself and the child, the lower appellate Court rightly directed respondent No.1 to pay maintenance of Rs.5,000/- per month to petitioner No.1 and Rs.2,000/- per month to petitioner No.2 taking into consideration the earning capacity of respondent No.1. Further, reduced the amount to be returned with regard to the motor cycle from Rs.60,000/- to Rs.40,000/- keeping in view that the value of the vehicle depreciates day by day. Therefore, I do not find any perversity or irregularity in the impugned judgment and the Revision stands dismissed.

12. Having regard to the submissions made by all the learned counsel and upon perusing the material available on record, both the Revisions viz., Criminal Revision Case Nos.2451 and 935 of 2016 stand dismissed, accordingly.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- T. SRINIVAS
DEPUTY REGISTRAR



SECTION OFFICER

To

1. The I Additional Sessions Judge, Adilabad
2. The Special Judicial First Class Magistrate (Excise)at Adilabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. K. RAJASHEKAR, Advocate [OPUC]
5. One CC to SRI. C. HARI PREETH, Advocate [OPUC]
6. Two CD Copies

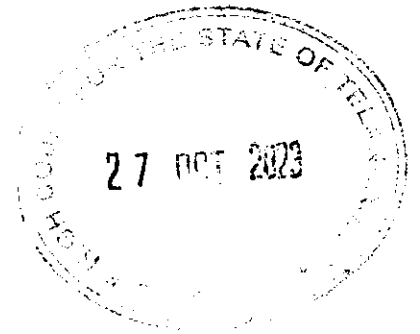


HIGH COURT

DATED:22/09/2023

COMMON ORDER

CRIMINAL REVISION CASE Nos : 2451 OF 2016 AND 935 OF 2016



DISMISSING THE BOTH CRL. REVISION CASES

9 Copies

Sms
16/10/23