

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

**MONDAY ,THE TWENTY FIFTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

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

**CRIMINAL REVISION CASE NO: 701 OF 2014**

Criminal Revision Case under Sections 397 & 401 of Cr.P.C. against the Judgment dated 26.02.2014 made in Crl.A.No.37 of 2013 on the file of the Court of the IV Addl. District and Sessions Judge (FTC), At Karimnagar Preferred against the Order passed in D.V.C. No. 24 of 2011 dated. 05.03.2013, on the file of the Court of the Judicial Magistrate of first Class at Vemulawada.

**Between:**

K.Jayapal Reddy, S/o Govind Reddy, aged 34 years. Occ Engineer, at preset-nill)  
R/o H No 2-10-1627 Chaithanyapuri, Karimnagar ...**PETITIONER/APPELLANT**

**AND**

1. Smt K.Annapurna, W/o K. Jaipal Reddy, aged 29 years Occ: House wife presently residing at Marlapet V/o Boinpally Mandai Karimnagar District.
2. K. Harish Reddy., S/o K. Jaipal Reddy, aged 5 years. (minor) under the guardian ship of his mother K Annapurna. W/o K Jaipal Reddy. Presently residing at Marlapet, V/o. Boinpally, Karimnagar District.
3. The State of A.P., through its Public Prosecutor, High Court of A P Hyderabad

**...COMPLAINANT/RESPONDENTS**

**CRLRCMP. NO: 1136 OF 2014**

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 suspension of order dated 05.03.2013 passed in DVC.No.24/2011 on the file of the Judicial First Class Magistrate, Vemulawada as confirmed by IV Addl. District & Sessions Judge, Karimnagar in Crl.A.No.37/2013 dated 26.02.2014 till the disposal of the Crl.RC.

**Counsel for the Petitioner**

**:SRI. V SRIKANTHA RAO**

**Counsel for the Respondent Nos. 1 & 2 : SRI VISHNU MURTHY representing  
SRI M. RAM MOHAN REDDY**

**Counsel for the Respondent No. 3**

**: SRI VIZARATH ALI, ASSISTANT  
PUBLIC PROSECUTOR**

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL****CRIMINAL REVISION CASE No.701 OF 2014****ORDER:**

This Criminal Revision Case is filed against the judgment dated 26.02.2014 passed by the learned IV Additional District & Sessions Judge, Karimnagar in CrI.A.No.37 of 2013 (for short, "the appellate Court").

2. Heard Mr. V. Srikantha Rao, learned counsel for the petitioner, Mr. Vishnu Murthy, learned counsel representing Mr. M. Ram Mohan Rao, learned counsel for respondent Nos.1 and 2 and Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for the respondent State.

3. The brief facts of the case are that the marriage between petitioner and respondent No.1 was performed at Laxmi Narasimha Swamy Temple, Yadagirigutta. Later, she joined the company of her husband and lived happily for three months. They were blessed with respondent No.2. Later, petitioner, at the instigation of his relatives started harassing respondent No.1 mentally and physically for want of additional dowry. Petitioner had driven respondent Nos.1 and 2 away from the matrimonial

house. Respondent Nos.1 and 2 were constrained to live along with the parents of respondent No.1.

4. Thereby, respondent Nos.1 and 2 filed D.V.C.No.24 of 2011 under Section 23(2) of Protection of Women from Domestic Violence Act, 2005 on the file of learned Judicial Magistrate of First Class, at Vemulawada (for short, "the trial Court") seeking protection orders, residence orders, monitory relief for Rs.5,000/- each for committing the domestic violence. The trial Court vide order dated 05.05.2013 in D.V.C.No.24 of 2011 granted protection order in favour of respondent No.1 and directed the petitioner not to commit domestic violence. The petitioner was directed to pay maintenance of Rs.2,000/- each to respondent Nos.1 and 2 from the date of the order. The petitioner was further directed to pay compensation of Rs.1,00,000/- to respondent Nos.1 and 2 each for committing domestic violence within three months from the date of the order. The amount was directed to be deposited in fixed deposit of nationalized bank which shall not be allowed to cancel till respondent No.2 completes 15 years of age. Aggrieved by which, the petitioner preferred an Appeal. The appellate Court vide judgment dated 26.02.2014 in Crl. Appeal No.37 of 2013 in D.V.C.No.24 of 2011 dismissed the appeal

confirming the order passed by the trial Court. Hence, the present Revision.

5. Learned counsel for the petitioner submitted that respondent Nos.1 and 2 received an amount of Rs.73,000/- from the petitioner in F.C.O.P.No.94 of 2010 on the file of the learned Judge, Family Court, at Karimnagar and as such respondent No.1 is bound to inform the same to the trial Court regarding the permanent alimony. He further stated that the maintenance amount granted by the trial Court as well as the appellate Court are exorbitant and excessive. Therefore, seeks to set aside the impugned judgment.

6. Learned counsel for respondent Nos.1 and 2 submitted that the trial court after appreciating the oral and documentary evidence available on record in proper perspective rightly passed the impugned order by granting compensation, protection order and amount of Rs.2,000/- per month each to respondent Nos.1 and 2 which is meager in view of escalation of prices in today's context. Therefore, seeks to dismiss the Revision.

7. A perusal of the record shows that the trial Court, on behalf of respondent Nos.1 and 2 examined PWs.1 and 2 and on behalf of petitioner and others, examined RWs.1 to 3. No documents

were marked on either side. As an aggrieved party the burden lies upon respondent No.1 to prove that she was being subjected to domestic violence in the shared house hold at the hands of petitioner and others. By examining herself and her father in evidence, respondent No.1 established the acts of domestic violence committed upon her by her husband and in-laws. Such acts were not rebutted by petitioner.

8. Moreover the petitioner, in his evidence deposed that his marriage with respondent No.1 was a second marriage. The evidences of PWs.1 and 2 would show that the petitioner left to America without intimation, not responding to the birth of child and thereby, filing petition seeking divorce can also be regarded as mental harassment which amounts to emotional abuse.

9. Therefore, the trial Court upon considering the fact of the inflation of prices in present day scenario of evil society, it is very difficult to bring up a female child without the help of father. The moral, emotional and physical support of petitioner is very much essential for well nurturing the child and therefore, rightly passed the order dated 05.05.2013 in D.V.C.No.24 of 2011. On an appeal being preferred by petitioner and others, the appellate Court dismissed the appeal vide judgment dated 26.02.2014 in

Crl.A.No.37 of 2013 by observing that respondent No.1 was subjected to the acts of domestic violence. Moreover, except stating that the petitioner was a soft ware engineer, no document is available on record to show the earning capacity of the petitioner. Therefore, holding that the amount granted by the trial Court is meager in present day cost of living and if at all any amount is granted as interim maintenance, the appellate Court held that such amount would be hardly sufficient for respondent No.1 to defend the case. Therefore, rightly dismissed the appeal holding that the amount granted by the trial Court is reasonable and just.

10. This Court vide order dated 02.04.2014 granted interim suspension of the orders of the appellate Court pending disposal of the Revision, subject to payment of interim maintenance at half of the amount awarded by the appellate Court, payable on or before 15<sup>th</sup> of each month commencing from 15<sup>th</sup> April, 2014 and subject to payment of arrears calculated at the same rate within six weeks from that day if not paid already. Any amounts that were paid shall be given credit to. Till date nothing is available on record to show that the order passed by this Court is being complied with.

11. Upon careful consideration of the entire material available on record, this Court is of the view that the maintenance granted to respondent Nos.1 and 2 is very meagre and appropriate. Challenging such a 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 as well as the appellate Court. Therefore, this Court is not inclined to entertain the Revision as the same is devoid of merits.

12. The Criminal Revision Case is dismissed accordingly.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- T. SRINIVAS  
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The IV Addl. District and Sessions Judge (FTC), At Karimnagar
2. The Judicial Magistrate of first Class at Vemulawada.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. V. SRIKANTHA RAO, Advocate [OPUC]
5. One CC to SRI. M. RAM MOHAN REDDY, Advocate [OPUC]
6. Two CD Copies

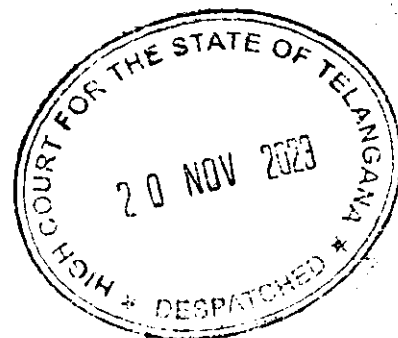
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HIGH COURT  
DATED:25/09/2023

ORDER  
CRLRC.No.701 of 2014



DISMISSING THE Cr.R.C.

(9) PMG  
6/11/23.