

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

THURSDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 434 OF 2019

Criminal Revision filed under Sections 397 & 401 of CrPC against the order dated 08.03.2018 passed in M.C.No. 217 of 2017 on the file of the court of the Additional Metropolitan Sessions Judge for the trial of JHCBB cum Additional Family court, cum XXIII Additional Chief Judge cum IX Additional Metropolitan Sessions Judge at Hyderabad

Between:

K.Sadanand, S/o.Late K.Bal Prasad, aged about 56 years, Occ: Retired, R/o.H.No.4-8-511, Gowliguda, Hyderabad

...PETITIONER(RESPONDENT)

AND

1. K.Sunitha, W/o.K.Sadanand, aged about 56 years, Occ House Hold, R/o.H.No.4-8-347, Gowliguda, Hyderabad

...RESPONDENT(PETITIONER)

2. The State of Telangana, rep by Public Prosecutor, High Court, Hyderabad

...RESPONDENT

IA NO: 2 OF 2019

Petition under Section 397 (1) R/W 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 grant stay of all further proceedings pursuant to the ex-parte order dated 08-03-2018 passed in M.C.No. 217 of 2017 on the file of the Hon'ble Addl. Metropolitan Sessions Judge for the trial of JHCBB- cum-Addl. Family Court Cum XXIII Addl. Chief Judge Cum IX Addl. Metropolitan Sessions Judge at Hyderabad, pending disposal of the Criminal Revision Case.

Counsel for the Petitioner: M/s. NANDITA GUHA (Amicus Curie)

Counsel for the Respondents: M/s. PADMALATHA YADAV(Amicus Curie)

**Counsel for the Respondents: SRI K. RAMAKOTAIAH,
ASSISTANT PUBLIC PROSECUTOR**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.434 OF 2019

ORDER:

This Criminal Revision Case is filed under Section 397 and 401 of the Code of Criminal Procedure (for short 'Cr.P.C.') aggrieved by the Order dated 08.03.2018 passed in M.C.No.217 of 2017 (for short 'impugned Order') by the learned Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge cum-IX AMSJ, Hyderabad (for short, "the learned trial Court").

02. As there was no representation on behalf of petitioner as well as unofficial respondent No.1, this Court appointed Amicus Curiae on behalf of petitioner as well as unofficial respondent No.1. Heard Ms. Nandita Guha, learned Amicus Curiae on behalf of petitioner as well as Ms. M. Padmalatha Yadav, learned Amicus Curiae on behalf of unofficial respondent No.1 and Sri K.Rama Kotaiah, learned Assistant Public Prosecutor for the State-respondent. Perused the record.

03. The brief facts of the case are that the marriage between petitioner and respondent No.1 was performed 33 years ago. They were blessed with three daughters and one son out of

their wedlock. Petitioner neglected respondent No.1 and subjected her to physical and mental cruelty, for which she lodged a complaint with Afzalgunj Police Station, who registered a Domestic Violence Case and the said case was partly allowed. Later, she preferred an Appeal against the said DVC case and the said appeal allowed. Petitioner preferred a Criminal Revision Case before this Court, wherein this Court directed petitioner to pay Rs.7,000/- per month but petitioner failed to pay the said amount. As respondent No.1 was unable to maintain herself and she was aged about 53 years and she performed the marriage of one daughter by obtaining loan of Rs.5,00,000/- vide Agreement dated 21.01.2013 and also pledged her gold ornaments, therefore, she filed maintenance case before the learned trial Court.

04. The learned trial Court vide impugned Order granted maintenance of Rs.10,000/- per month to respondent No.1 from the date of petition i.e., 15.07.2017 and directed petitioner to deposit the arrears within three months and continue to deposit the monthly maintenance on or before 5th of every succeeding month. Aggrieved by the same, petitioner preferred the present Criminal Revision Case.

05. Learned counsel for petitioner submitted that respondent No.1 had on her own accord left the company of petitioner and she being a lavish woman always want to lead luxurious life and that she had illegally occupied the house of petitioner. Therefore, she is not entitled for maintenance and seeks to set aside the impugned Order.

06. On behalf of respondent No.1, the learned trial Court examined herself as PW1 and marked Exs.P1 to P8. Even after service of notice, petitioner failed to contest the case before the learned trial Court.

07. Upon careful scrutiny of the oral and documentary evidence, the trial Court observed that even after a direction from this Court in Criminal Revision Case No.2025 of 2014, petitioner failed to pay the maintenance of Rs.7,000/- to respondent No.1 and that she was regularly repaying the debt borrowed for daughter's marriage and granted maintenance to her. It is apparent on the face of record that petitioner did not act as a dutiful husband and his conduct amounts to cruelty on the part of his wife.

08. In view of the facts and circumstances of the case, this Court is of the opinion that the learned trial Court had

rightly passed the impugned Order upon taking into consideration the living standards of the people in the present day society. Challenging such a meager amount is not permissible at this stage as the costs of living standards of the people have escalated to a larger extent. Hence, I find no reason to interfere with the impugned Order passed by the learned trial Court. There is no illegality or irregularity in the impugned Order passed by the learned trial Court, hence, this Criminal Revision Case is liable to be dismissed. However, petitioner is directed to deposit the entire arrears of maintenance within six months from today. If petitioner fails to do so, the learned trial Court shall take necessary steps in accordance with law.

09. Accordingly, this Criminal Revision Case is dismissed. Needless to mention petitioner is at liberty to work out the remedies available under law. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

**SD/-K.SAILESHI
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Metropolitan Sessions Judge for the trial of JHCBB cum Additional Family court, cum XXIII Additional Chief Judge cum IX Additional Metropolitan Sessions Judge at Hyderabad.(with records if any)
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
3. One CC to M/s. Nandita Guha, Advocate [OPUC]

4. One CC to M/s. Padmalatha Yadav, Advocate [OPUC]
 5. One CC to Sri N. Venkataiah, Advocate [OPUC]
 6. Two CD Copies
- BR/plp

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HIGH COURT

DATED:27/06/2024



ORDER

CRLRC.No.434 of 2019

DISMISSING THE CRL.R.C.

(8) Copies
Jm
9/9/24