APHC010443812009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3560]
(Special Original Jurisdiction)

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 2126 OF 2009

Between:

1. M. RAJ SEKHAR, NEW DELHI - 110 003., S/O. LATE KONDAL RAO EMPLOYEE (CENTRAL RESERVE POLICE), WORKING AT DIRECTOR GENERAL, CENTRAL RESERVE POLICE FORCE, CGO COMPLEX, BLOCK NO.1, LODHI ROAD,

...PETITIONER

AND

1. SMT M VIJAYA MANI VISAKHAPATNAM ANR, W/O. M. RAJ SEKHAR HOUSEWIFE R/O. D.NO. 36-16-51, KOTTA REDDY KANCHARAPALEM, VISAKHAPATNAM.
2. THE STATE OF ANDHRA PRADESH, REP. BY PUBLIC PROSECUTOR HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

...RESPONDENT(S):

Revision filed under Section 397/401 of CRPC praying that in the circumstances stated in the Memorandum of grounds filed in support of the CriminalRevisionCase, the High Court may be pleased tototo allow the present Criminal Revision Case by setting aside the order dt. 15-09-2009 in M. C. No. 113 of 2006 on the file of the Court of Judge, Addl. Family Court, Visakhapatnam.

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Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to suspend the operation of the order dt. 15-09-2009 passed in M. C. No. 113 of 2006 on the file of the Court of Judge, Addl.

Family Court, Visakhapatnam, pending disposal of the Criminal Revision Case.

Counsel for the Petitioner:

1. N SUDHARSANARAO CH

Counsel for the Respondent(S):

1. CH SHANMUKHA RAO
2. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

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ORDER:

The instant Criminal Revision has been preferred against the order dated 15.09.2009 passed by the learned Additional Family Court, Visakhapatnam, in M.C.No.113 of 2006, whereby the learned Family Court allowed the petition under Section 125 Cr.P.C and ordered granting maintenance in favour of respondent No.1 and her son at the rate of Rs.5,000/- per month from the date of filing of the petition.

2. Sri. N Sudharsanarao CH, learned legal aid counsel appearing on behalf of the petitioner, submitted that respondent No.1 had refused to live with her husband, and had left the society of her husband without sufficient reasons. Thus, the order granting maintenance under Section 125 Cr.P.C is illegal. He further argued that there is no evidence before the learned trial Court to establish that the petitioner had neglected and refused to maintain respondent No.1 and her children. He also argued that the order of maintenance is exorbitant.

3. Heard Sri. Ch. Shanmukha Rao, learned counsel for respondent No.1.

4. After hearing the parties and perusing the impugned order passed by the learned Additional Family Court, it appears that the impugned order was passed in the year 2009, granting monthly maintenance of Rs.5,000/- in favour of respondent No.1 and her son. Admittedly, order granting

maintenance is meager one. Furthermore, though the petitioner being respondent before the learned Additional Family Court, has raised several points challenging the order of granting maintenance, but no oral or documentary evidence are placed.

5. Learned trial Court is of the specific view that since the petitioner is a CRPF Constable, and he has the capacity to maintain his wife and children. Considering the same, I find no justification to interfere with the impugned order passed by the learned trial Court. Accordingly, the instant Criminal Revision is dismissed as devoid of merits.

6. The interim order partly suspending the payment of monthly maintenance is hereby vacated.

7. The petitioner is directed to pay the maintenance to the respondent No.1 according to the directions given by the learned Additional Family Court, Visakhapatnam, in its order dated 15.09.2009 in M.C.No.113 of 2006. Arrear maintenance has to be paid, within three (3) months from the date of passing of this order, by three equal installments.

8. With the above observations, the instant Criminal Revision Case is dismissed.

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

SUBHENDU SAMANTA, J

Date:12.11.2026
MMK/DRNR

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE No:2126 of 2009

12.11.2026

MMK/DRNR