

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

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Criminal Revision Case No.1089 of 2012

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Date:30<sup>th</sup> November, 2012

**Between:**

Sakkara Vijayanand S/o.Kistaiah

..... Petitioner

AND

State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of  
A.P., Hyderabad & Ors.

.....Respondents

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**ORDER:**

This Criminal Revision Case is directed against the judgment, dated 10.04.2012, passed in Criminal Appeal No.31 of 2012 on the file of the Additional Metropolitan Sessions Judge, Cyberabad, NTR Nagar, Hyderabad, whereby and whereunder the learned Additional Metropolitan Sessions Judge dismissed the appeal, confirming the order, dated 04.07.2011, passed in CrI.M.P.No.2913 of 2011 in D.V.C.No.42 of 2011 on the file of IX Metropolitan Magistrate, Cyberabad at Kukatpally, Hyderabad.

2. The petitioner is the husband, whereas 2<sup>nd</sup> respondent is the

wife. They got married on 15.05.2009. Some disputes cropped up between them and ultimately, the wife filed complaint against the husband, which formed the basis for registering a case in Crime No.203 of 2011 of Jeevan Bheema Nagar Police Station, for the offence under Sections 498-A, 323 and 504 IPC and Sections 2 and 4 of the Dowry Prohibition Act. The wife filed DVC No.42 of 2011 on the file of IX Metropolitan Magistrate, Cyberabad at Kukatpally, Hyderabad, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), claiming maintenance and other ancillary reliefs against the petitioner/husband and others. She also moved CrI.M.P.No.2913 of 2011 under Section 23 of the Act seeking interim maintenance. The husband resisted the said application. The learned IX Metropolitan Magistrate, on considering the material brought on record and on hearing the counsel appearing for the parties, proceeded to grant interim maintenance at the rate of Rs.8,000/- p.m. to the wife, by order, dated 04.07.2011. The husband filed Criminal Appeal No.31 of 2012 on the file of the Additional Metropolitan Sessions Judge, Cyberabad, NTR Nagar, Hyderabad, assailing the order, dated 04.07.2011, passed in CrI.M.P.No.2913 of 2011 in D.V.C.No.42 of 2011. The learned Additional Metropolitan Sessions Judge, on reappraisal of the material brought on record, did not find any valid ground to interfere with the order, passed by the trial Court and thereby proceeded to dismiss the appeal, by judgment, dated 10.04.2012. Hence, this Criminal Revision Case.

3. Heard learned counsel appearing for the petitioner/husband and learned counsel appearing for the 2<sup>nd</sup> respondent/wife.

4. It is contended by the learned counsel appearing for the petitioner/husband that the 2<sup>nd</sup> respondent/wife is an earning member, drawing a net salary of Rs.17,358/-, and therefore, she does not

deserve for grant of interim maintenance.

5. Learned counsel appearing for the 2<sup>nd</sup> respondent/wife submits that the income getting by the 2<sup>nd</sup> respondent/wife is not sufficient to meet her both ends and therefore, there is an obligation on the part of the petitioner/husband to maintain her.

6. Be that as it may, it is not in dispute that the 2<sup>nd</sup> respondent/wife is also an employee. The trial Court as well as the appellate Court have missed to note this fact and thereby proceeded to grant interim maintenance at the rate of Rs.8,000/- p.m. to the 2<sup>nd</sup> respondent/wife. In that view of the matter, I am inclined to reduce the interim maintenance granted to the 2<sup>nd</sup> respondent/wife from Rs.8,000/- p.m. to Rs.6,000/- p.m.

7. Accordingly, the Criminal Revision Case is disposed of reducing the interim maintenance granted to the 2<sup>nd</sup> respondent/wife from Rs.8,000/- p.m. to Rs.6,000/- p.m. No costs.

**B.SESHASAYANA REDDY, J.**

**Date:30<sup>th</sup> November, 2012.**

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