



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

THURSDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 14 of 2025

Between:

- 1.GOTTIPATI MANIKANTA HARSHAVARDHAN, S/O LATE G.KONDAPA NAIDU, AGED ABOUT 39 YEARS R/O 10-8-5C, RAJAVARI STREET, KAVALI, SPSR NELLORE DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH.
- 2.GOTTIPATI YAMINI PRIYANKA, W/O GOTTIPATI MANIKANTA HARSHA VARDAN, AGED ABOUT 36 YEARS,
- 3.GOTTIPATI MANYATA, D/O GOTTIPATI MANIKANTA HARSHA VARDAN, AGED ABOUT 10 YEARS, REPRESENTED BY HER MOTHER. (BOTH R2 AND R3 ARE RESIDENT OF R/O 24-2-205, B-BLOCK, SHANTHI ESTATES, THANDOORI NIGHTS, NELLORE, SPSR NELLORE DISTRICT, ANDHRA PRADESH- 524001.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to set-a-side the order dated 13.05.2022 in CRLMP No.576 of 2021 in DVC No.29 of 2021 on the file of Special Judicial Magistrate of First-Class Excise Offences, At Nellore as confirmed in order dated 10.08.2023 in Criminal Appeal No. 33 OF 2022 dt.

10.08.2023 on the file of the court of the III Additional District Judge, At Nellore by allowing the Revision with costs and pass

IA NO: 1 OF 2025

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 dispense with filing of the certified copies of the Petitions in CFR No.4324 of 2024, CRLMP No.576 of 2021, DVC No.29 of 2021, Criminal Appeal No.33 of 2022 and Order Copies, till the disposal of the Criminal Revision Petition in the interest of the justice and pass

IA NO: 2 OF 2025

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 stay the operation of the order dated 13.05.2022 in CRIMP No.576 of 2021 in DVC No.29 of 2021 on the file of Special Judicial Magistrate of First-Class Excise Offences, At Nellore as confirmed in order dated 10.08.2023 in Criminal Appeal No. 33 OF 2022 dt. 10.08.2023 on the file of the court of the III Additional District Judge, At Nellore and Stay of proceedings in CFR No.4324 dated 10.07.2024 in CRLMP No.576 of 2021 in DVC No.29 of 2021 on the file of Special Judicial Magistrate of First-Class Excise Offences, At Nellore pending disposal of the above Criminal Revision Case and to pass

IA NO: 3 OF 2025

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 may be pleased to Extend the time for payment of 50% of the arrears of maintenance, as directed in the interim order dated 08.01.2025 in CRLRC No.14 of 2025, by a further period of four (4) weeks pending disposal of the above Criminal Revision Case and to pass

Counsel for the Petitioner:

1.VENKATA MOHAN RAO PATHAKOTA

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL REVISION CASE No. 14 of 2025****JUDGMENT:**

Heard Sri Venkata Mohan Rao Pathakota, learned counsel for the petitioner/husband. Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing on behalf of the State is in attendance. As per the office note, notice is served on the respondent No.2 but none represented.

2. This Revision Case is preferred against the impugned order dated 13.05.2022 in CrI.M.P.No.576 of 2021 in DVC No.29 of 2021 passed by the learned Special Judicial Magistrate of First Class for Excise Offences, Nellore, wherein an amount of Rs.10,000/- per month was granted towards interim maintenance to the wife and Rs.5,000/- per month to the minor daughter towards interim maintenance, which was confirmed by the learned III Additional District Judge, at Nellore in Criminal Appeal No.33 of 2022 *vide* judgment dated 10.08.2023.

3. Learned counsel for the petitioner would submit that even as per the material placed before the learned Trial Court, the petitioner, who is the husband, is getting a salary of Rs.18,000/- per month. Learned Trial Judge granted interim maintenance at the rate of Rs.15,000/- per month towards interim maintenance to the wife and child, which is quite contrary to the material available before the Court. Learned counsel for the petitioner would further submit that during the course of proceedings before the learned Appellate Court, the petitioner herein submitted a photocopy of Income Tax

Returns which would show that the respondent No.2 herein, who is the wife, is getting Rs.4,80,000/- per annum and the same was also not considered by the learned Appellate Judge, since it is a photocopy. Learned counsel for the petitioner would further submit that the petitioner is a Software Engineer, but, he is presently unemployed. Therefore, he is not able to honour the order of the Trial Court to pay the interim maintenance at the rate of Rs.15,000/- per month to the wife and minor child. Learned counsel for the petitioner would further submit that the interim maintenance may be reduced to some extent, so as to enable the petitioner to honour the order passed by the Trial Court.

4. Considering the submissions made and on perusal of the material on record, it is a fact that the photocopy of the Income Tax Returns relating to the respondent No.2/wife placed before the learned Appellate Court, was rightly not considered, being a photocopy. The fact remains that this interim maintenance was granted basing on the oral submissions of both sides. Needless to say, an enquiry is required to decide the truth or otherwise of the contentions raised in the present revision. Be that as it may, the record would further show that the petitioner is getting a salary of Rs.18,000/- per month. In that view of the matter, awarding interim maintenance at the rate of Rs.15,000/- per month to the wife and child, without any enquiry, is not sustainable.

5. In the result, the Criminal Revision Case is allowed. The impugned orders are set-aside. The matter is remanded to the Trial Court for fresh consideration. In the meanwhile, the petitioner/husband is directed to pay

interim maintenance at the rate of Rs.5,000/- per month, each, to the respondent Nos.2 and 3/wife and the minor child. Learned Trial Judge is also directed to dispose of the main case itself, as expeditiously as possible, preferably within a period of three (3) months from this day.

Consequently, miscellaneous applications pending, if any, shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 02.04.2026.

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43

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 14 of 2025

Dt.02.04.2026

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