

APHC010072212026



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

[3396]

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 147/2026

Between:

1. SRUNGAVARAPU VINOD KUMAR, S/O ANAND, HINDU, AGED ABOUT 39 YEARS, OCC EMPLOYEE IN AROGYA HOSPITAL, R/O H.NO.8-02, CHIRUNOMULA VILLAGE, BONAKAL MANDAL, KHAMMAM DISTRICT, TELANGANA STATE.

...PETITIONER(S)

AND

1. BANGARU KANAKA DURGA SRUNGAVARAPU KANAKA DURGA, W/O SRUNGAVARAPU VINOD KUMAR, AGED ABOUT 37 YEARS, OCC TAILORING, R/O H.NO.MP904, G43, 54(0/0 NO. 24-28/6-6) BRTS ROAD, BESIDE CHAITANYA TECHNO SCHOOL, GAYATRI TEMPLE STREET, 2ND LEFT, DURGAPUR, VIJAYAWADA, KRISHNA DISTRICT
2. SRUNGAVARAPU SAI GANESH MITANSH, S/O SRUNGAVARAPU VINOD KUMAR, AGED ABOUT 7 YEARS MINOR REPRESENTED BY HIS MOTHER/ NATURAL GUARDIAN. RESPONDENT NO.1.
3. THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, HIGH COURT BUILDINGS AT AMARAVATI.

...RESPONDENT(S):

IA NO: 1 OF 2026

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 condone the delay of 575 days in Filing the Criminal Revision petition against the FCOP No.520 of 2023, dated 15.04.2024, of Principal Family Court-cum-IV Additional District Court, Vijayawada and pass

IA NO: 2 OF 2026

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 Suspend the order in FCOP No.520 of 2023, dated 15.04.2024, of Principal Family Court-cum-IV Additional District Court, Vijayawada pending disposal of the above Crl.Rc. and pass

Counsel for the Petitioner(S):

1.JAYA PRAKASH MADASU

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

2.

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**I.A.No.1 of 2026****IN/AND****CRIMINAL REVISION CASE NO: 147/2026****COMMON ORDER:**

The present Criminal Revision Case is filed by the petitioner under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita seeking to set aside the order dated 15.04.2024 passed in F.C.O.P. No.520 of 2023 by the learned Principal Family Court-cum-IV Additional District Court, Vijayawada, whereby the petition filed under Section 125 Cr.P.C. was allowed directing the petitioner to pay maintenance of Rs.5,000/- per month to the 1st respondent-wife and Rs.2,500/- per month to the 2nd respondent-son.

2. I.A.No.1 of 2026 is filed by the Petitioner seeking to condone the delay of 575 days in filing the above Criminal Revision Case.

3. Heard Sri Jaya Prakash Madasu, learned counsel for the Petitioner and Sri K.Sandeep, learned Assistant Public Prosecutor is in attendance.

4. Learned counsel for the Petitioner would submit that the maintenance granted by the learned trial Judge is not sustainable since the same was granted without considering the earning capacity of the Petitioner. He would further submit that the petitioner was set *ex-parte* without affording any opportunity and he would further submit that the 1st respondent is earning and capable of maintaining herself.

5. Learned Assistant Public Prosecutor would submit that the Court may pass appropriate orders.

6. Considering the facts and circumstances of the case and a fair look at the material on record, it would show that the learned trial Judge, by order dated 15.04.2024 in F.C.O.P. No.520 of 2023, granted maintenance of Rs.5,000/- per month to the 1st respondent and Rs.2,500/- per month to the 2nd respondent. It is also evident that the petitioner was set ex parte before the trial Court. The record further indicates that an application was filed before the trial Court seeking to set aside the ex parte order. However, no material is placed before this Court with regard to the disposal of the said application. In such circumstances, this Court is of the view that there are no tenable grounds to interfere in the said order. This Court does not find any reason to condone the delay of 575 days in filing the revision case.

7. Accordingly, I.A.No.1 of 2026 is dismissed. Consequently, the Criminal Revision Case is also dismissed.

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

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:12.02.2026
KKV

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

203

I.A.No.1 of 2026

IN/AND

CRIMINAL REVISION CASE No: 147/2026

Dt.12.02.2026

KKV