

APHC010080792019



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

[3396]

FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 314/2019

Between:

1.P.SURENDRA, D.NO. 327-328, K.P.HEIGHTS, 80 FEETS ROAD, HAL
2ND STAGE, INDIRA NAGAR, BANGLORE

...PETITIONER

AND

1.STATE OF AP, HIGH COURT OF AP, AMARAVATHI
2.MEENKASHI, KODIKONDA CHECK POST, CHILAMATHUR MANDAL
3.P BHANU PRIYA, D/O. PURENDRA REP BY HER NATURAL
MOTHER RESPONDENT NO.1

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the CriminalRevisionCase, the High Court may be pleased toPleased to allow the present revision petition and set aside the order dated 18.07.2017 in MC. 02/2016 on the file of the special Magistrate, Hindupur

IA NO: 1 OF 2019

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 Pleased to condone the 439 days of delay in filing the present revision petition

IA NO: 2 OF 2019

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 Pleased to suspend the operation of the order dated 18-07-2017 in MC. 02/2016 on the file of special Magistrate, Hindupur

Counsel for the Petitioner:

1.DANDUGULA SATYA SIVA DARSHAN

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL REVISION CASE NO: 314/2019****ORDER:**

This Criminal Revision Petition is filed seeking to set aside the order dated 18.07.2017 passed in M.C. No. 02/2016 on the file of the learned Special Magistrate, Hindupur.

2. For the sake of convenience, the parties are referred to as they were arrayed before the trial Court.

3. The brief facts of the case are that the 1st respondent herein, who is the legally wedded wife of the petitioner, filed M.C. No.02/2016 under Section 125 Cr.P.C. seeking maintenance for herself and the 2nd respondent, who is the minor daughter born out of the wedlock. It is her case that the marriage between herself and the petitioner was solemnized on 12.08.2008 as per Hindu rites and customs. After the marriage, she joined the petitioner and lived with him, and out of their wedlock the 2nd respondent was born. The 1st respondent alleged that after a short period of cordial marital life, the petitioner and his family members subjected her to harassment and cruelty on account of dowry demands. She further contended that he was neglected and ultimately forced to live separately. It is further averred that, she has no independent source of income to maintain herself and the minor child, whereas the petitioner is employed in HDFC Bank and has sufficient means. Hence, she sought maintenance of Rs.10,000/- each per month.

(ii) The petitioner filed a counter denying the allegations of harassment and dowry demand. Though he admitted the marriage and paternity of the minor child, he contended that the 1st respondent deserted him without sufficient cause and therefore is not entitled to maintenance under Section 125(4) Cr.P.C. He further contended that he is working in HDFC Bank on a contract basis and earning only Rs.11,000/- per month and is not in a position to pay the maintenance as claimed.

iii. Before the trial Court, evidence was adduced by both parties. On the petition filed by the 1st respondent, the learned Magistrate called for the salary particulars of the petitioner from the Manager, HDFC Bank, Bangalore. The salary certificate produced and marked as Ex.R.2 disclosed that the petitioner is earning Rs.11,000/- per month.

iv. Upon appreciation of the oral and documentary evidence, the learned Special Magistrate held that the 1st respondent, being the legally wedded wife, and the 2nd respondent, being the minor daughter, are entitled to maintenance. Taking into consideration the income of the petitioner and the needs of the respondents, the learned Magistrate awarded maintenance of Rs.3,000/- per month to the 1st respondent and Rs.1,000/- per month to the 2nd respondent.

v. Aggrieved by the said order, the present revision petition is filed contending that the maintenance awarded is excessive and beyond the

earning capacity of the petitioner and that the learned Magistrate erred in appreciating the evidence on record.

4. Learned counsel for the petitioner would submit that the maintenance awarded to Respondent Nos.2 and 3 is excessive and beyond the financial capacity of the petitioner. The learned Magistrate is stated to have granted maintenance based on assumptions and generalizations rather than on cogent evidence. He would further submit that Respondent No.1 deserted the petitioner without sufficient cause and is therefore not entitled to maintenance. The petitioner had, in fact, filed a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights, which clearly demonstrates his bona fide intention to resume matrimonial life.

5. On the other hand, the learned Assistant Public Prosecutor would submit that the learned Judge has rightly appreciated the oral and documentary evidence and enhanced the maintenance commensurate with the income and status of the husband.

6. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the entire material available on record.

7. It is not in dispute that the 1st respondent is the legally wedded wife of the petitioner and the 2nd respondent is their minor daughter. The contention of the petitioner that the 1st respondent deserted him without sufficient cause has not been substantiated by cogent and convincing evidence. The salary

certificate issued by the employer of the petitioner clearly establishes that he is earning Rs.11,000/- per month. Even if the income is modest, the statutory obligation of the husband to maintain his wife and minor child cannot be avoided. The quantum of maintenance awarded by the learned Magistrate, Rs.3,000/- to the wife and Rs.1,000/- to the minor child, cannot be said to be excessive or unreasonable in the facts and circumstances of the case. On careful perusal of the order, this Court does not find any such infirmity warranting interference in the said order. Accordingly, this Court is of the considered opinion that the Criminal Revision Petition is devoid of merit.

8. The Criminal Revision Petition is hereby dismissed. The order dated 18.07.2017 passed in M.C. No. 02/2016 by the learned Special Magistrate, Hindupur, is hereby confirmed. There shall be no order as to costs.

As a sequel, thereto miscellaneous petitions pending if any shall stand closed. There shall be no order as to costs.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 20.02.2026
KKV

187

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 314/2019

Date 20.02.2026

KKV

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI
MAIN CASE NO.: CRIMINAL REVISION CASE NO:314 /2019

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
	20.02.2026	<u>Dr.VJP,J</u> The Criminal Revision Case is dismissed. (vide separate order) _____ Dr.VJP,J KKV	