



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

[3396]

**THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
IA No.1 of 2025**

In/and

CRIMINAL REVISION CASE NO: 398/2025

Between:

1. GOKULAKRISHNAN BASKAR, S/O. GOKULAKRISHNAN, AGED 36 YEARS, R/O. NO. 4, VINAYAGAR KOIL STREET, PADUVANJERI, CHENNAI-600073

...PETITIONER

AND

1. DHANUNAYA SHARMILA, W/O. GOKULAKRISHNAN BASKAR, AGED 30 YEARS, R/O. FF-1, BRUNDAVANAM APARTMENT, LAWYERPET, ONGOLE TOWN, PRAKASAM DISTRICT.
2. BHASKAR DIVYESH, S/O. GOKULAKRISHNAN BASKAR, AGED 18 YEARS, BEING MINOR REP. BY HIS MOTHER DHANUNJAYA SHARMILA, R/O. FF-1, BRUDNAVANAM APARTMENT, LAWYERPET, ONGOLE TOWN, PRAKASAM DISTRICT.
3. THE STATE OF ANDHRA PRADESH, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF A.P, AMARAVATI, GUNTUR DISTRICT.

...RESPONDENT(S):

Revision filed under Section 397/401 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to allow the Criminal revision case by setting aside the order in F.C.O.P No.110/2015 dated 04.10.2023 on the file of Family-cum-VIII Additional District Judge, Ongole, Prakasam District, in the interest of justice and pass

Counsel for the Petitioner:

1. CHUNDURI UDAYA

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR
2. SS RAMA KRISHNA PRASAD

The Court made the following**COMMON ORDER**

The instant Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioner/Respondent, aggrieved by the Order dated 04.10.2023 passed in FCOP No.110 of 2015 on the file of the Court of Judge, Family Court-cum-VIII Additional District Judge, Ongole.

Brief facts of the case are that the Petitioner herein and respondent No.1 are legally wedded husband and wife respectively and respondent No.2 is their legitimate son. Due to disputes between the couple, they are living separately. Petitioner/husband filed a petition for restitution of conjugal rights in HMOP No.100 of 2009 and the same was withdrawn and later filed HMOP No.502 of 2012 on the file of the Court of Subordinate Judge, Thamburam. While the matter is pending, on intervention of elders, the couple were re-united and lived for sometime. After some time, again disputes arose between the parties, and they were living separately. Respondent No.1/wife filed a petition under Section 125 Cr.P.C. *vide* FCOP No.110 of 2015 on the file of the Court of Judge, Family Court-cum-VIII Additional District Judge, Ongole, seeking maintenance of Rs.10,000/- each to herself and to her son from the petitioner herein. The Learned Trial Judge, having considered the material on record and the arguments of the both the parties and considering the financial status of the Petitioner herein, awarded the quantum of maintenance of Rs.10,000/- to the respondent No.1(wife) and Rs.5,000/- to respondent No.2(son) from the date of filing of the FCOP. Aggrieved

thereby, Petitioner/Husband filed the present Criminal Revision Case along with IA No.1 of 2025 under Section 5 of Limitation Act to condone the delay of 440 days in filing this criminal revision case.

Heard learned counsel for the Petitioner, learned counsel for respondents 1 and 2 and learned Assistant Public Prosecutor is in attendance. Perused the material on record.

Learned counsel for the Petitioner would submit that now the petitioner is unemployed due to his ill health reasons and he is not working anywhere. Due to his financial incapacity, he could not file the present criminal revision case within the stipulated time. Learned counsel would submit that now the respondent No.2/son attained majority and he become major. Further, respondent No.1/wife is doing sarees business and getting good income. Learned counsel would finally request to set aside the order impugned by condoning the delay in filing the criminal revision case.

On the other hand, learned counsel for respondents 1 and 2 would submit that petitioner/husband is deliberately dragging the matter and there are no sufficient reasons to condone the delay of 440 days in filing this case. Further petitioner did not place any *iota* of evidence to show the income the respondent No.1.

Learned Assistant Public Prosecutor is in attendance.

Considering the submissions made and on perusal of the material on record, as rightly put by learned counsel for respondents 1 and 2, no justified reasons are shown by the petitioner for the delay in filing this criminal revision

case. As seen from IA No.1 of 2025, the delay is 440 days, for which no plausible explanation is given by the petitioner, but, simply stated that he is moneyless, which is not a justified ground.

Needless to say, the respondent No.2(son) attained majority and has become major. In that view, petitioner need not pay any maintenance amount to respondent No.2 from the date on which respondent No.2 became major.

For the aforementioned reasons, IA No.1 of 2025 is dismissed. Consequently, this Criminal Revision Case is liable to be dismissed.

Accordingly, this Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

19.02.2026

*Mjl/**

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

**IA NO.1 of 2025
In/and
Criminal Revision Case No. 398 of 2025**

19.02.2026

*Mj/**