

APHC010201902026



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

[3396]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 414/2026

Between:

1. NAGABHAIRU YAMINI, W/O NAGHABOTHU DURGA PRASAD, D/O KAMINENI SAMBAIAH, HINDU, DEPENDENT AGE 29 YEARS, DOOR NO.6-100, MAIN ROAD, GANGANNAPALEM VILLAGE, CHILAKALURIPET MANDAL, PALANADU DISTRICT
2. NAGABHAIRU DUHITA, AGED ABOUT 5 YEARS BEING MINOR REP BY. HER MOTHER, 1 PETITIONER, NAGABHAIRU YAMINIDOOOR NO.6-100, MAIN ROAD, GANGANNAPALEM VILLAGE, CHILAKALURIPET MANDAL, PALANADU DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.
2. NAGABHAIRU DURGA PRASAD, S/O MALLIKARJUNA RAO HINDU, AGE 35 YEARS, D.NO. 8-9, NAGHABAIRU VARIPALEM VILLAGE, PEDANANDIPADU MANDAL, GUNTUR DISTRICT

...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 The above-named petitioner aggrieved by the order dated 30-10-2025, passed in CrI.M.P. 3414/2025 in M.C. 25/2024 In the Court of the II Additional Junior Civil Judge:

Narasaraopet, Guntur District, the above-named petitioner begs to prefer this memorandum of Criminal Revision Case for the following among other

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 110 days filing the Present CRLRC against the order dated 30-10-2025 passed in Crl.M.P. 3414/2025 in M.C. 25/2024 In the Court of the II Additional Junior Civil Judge: Narasaraopet, Guntur District, and be pleased to pass

Counsel for the Petitioner(S):

1.SHAIK RAFI

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**I.A.No.01 OF 2026****IN/AND****CRIMINAL REVISION CASE NO: 414/2026****COMMON ORDER:**

This Criminal Revision Case is filed under Sections 438 and 442 of BNSS by the petitioner, aggrieved by the order dated 30.10.2025 passed in F.Crl.M.P. No. 3414 of 2025 by the learned II Additional Junior Civil Judge, Narasaraopet, Guntur District, whereby interim maintenance of Rs. 4,000/- per month was granted to the wife and minor daughter of the petitioner.

2. I.A. No. 1 of 2026 is filed by the petitioner seeking condonation of delay of 110 days in filing the present Criminal Revision Case.

3. Heard Sri Shaik Rafi, learned counsel for the petitioner, and Mrs. K. Priyanka Lakshmi, learned Assistant Public Prosecutor.

4. Learned counsel for the petitioner submits that the delay is neither willful nor intentional, and that the petitioner has substantial grounds to succeed in the revision, particularly with regard to the finding of the trial Court concerning the income of the petitioner.

5. The learned Assistant Public Prosecutor submits that appropriate orders may be passed.

6. Upon considering the submissions and perusal of the material on record, it is stated that the respondents herein, being the wife and minor child of the petitioner, had filed a maintenance petition, and the trial Court granted interim maintenance of Rs. 4,000/- per month each. It is further observed that

any finding with respect to the income of the petitioner or entitlement to maintenance is subject to a detailed enquiry before the trial Court, based on appreciation of evidence and material placed by both parties. Only upon such enquiry can a conclusive determination be made. This Court finds that the impugned order does not warrant any interference in revision. The learned Judge has exercised discretion judiciously based on available material.

7. However, this Court finds no sufficient or tenable grounds to condone the delay in filing the present revision. The explanation offered by the petitioner does not justify the delay.

8. Accordingly, I.A. No. 1 of 2026 is dismissed. Consequently, the Criminal Revision Case is also dismissed. However, both parties are at liberty to raise all their contentions before the learned trial Judge during the course of enquiry. The learned trial Judge shall decide the matter independently, in accordance with law, without being influenced by any observations made in this order.

9. The learned trial Judge is directed to dispose of the main case as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

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

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:21.04.2026
KKV

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

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I.A.No.1 of 2026

IN/AND

CRIMINAL REVISION CASE No: 414/2026

Dt.21.04.2026

KKV

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI**MAIN CASE NO.: CrI.R.C. No.414 of 2026****PROCEEDING SHEET**

Sl. No.	Date	ORDER	OFFICE NOTE
	21.04.2026	<u>Dr.VJP,J</u> <u>I.A.No.1 of 2026</u> <u>IN/AND</u> <u>CRIMINAL REVISION CASE No: 414/2026</u> The I.A. No. 1 of 2026 is dismissed. Consequently, the Criminal Revision Case is also dismissed. (vide separate common order) <u>Dr.VJP, J</u> <i>KKV</i>	