

APHC010288042019



**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: 974/2019

Between:

1. GUMMADI VAMSI CHAKRADHAR, S/O LATE SRI KRISHNA MURTHY, HINDU, AGE 46 YEARS, OCC UN-EMPLOYEE, R/O D.NO. 50-46-5/3/A, P AND T COLONY, SEETHAMMADHARA, VISAKHAPATNAM 530 013

...PETITIONER

AND

1. GUMMADI SAILAJA, S/O LATE SRI M. SURESWARA RAO, R/O FLAT NO. 4J, JAYANTHI PEARLS APARTMENT, GANDHI BOMMA CENTRE, LAMBADIPETA, CHITTI NAGAR, VIJAYAWADA 520

2. STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT AT AMARAVATHI

...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 call for the records relating to the Order made in Criminal Revision Petition No. 53 of 2015 on the file of the Court of the II Additional District and Sessions Judge, Amalapuram dated 10-07-2019, preferred against the order made in M.C. No.1 of 2014 on the file of the Court of the Principal Junior Civil Judge, Amalapuram dated 01-04-2015 and set aside the same and pass

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 to suspend the operation of the Order made in Criminal Revision Petition No. 53 of 2015 on the file of the Court of the II Additional District and Sessions Judge, Amalapuram dated 10-07-2019, preferred against the order made in M.C. No.1 of 2014 on the file of the Court of the Principal Junior Civil Judge, Amalapuram dated 01-04-2015, pending disposal of the present Criminal Revision Case and pass

Counsel for the Petitioner:

1.G V SHIVAJI

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR (AP)

2.

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL REVISION CASE NO: 974/2019****JUDGMENT:**

This Criminal Revision Case is filed assailing the order passed by the learned Sessions Judge, whereby the maintenance awarded in favour of the wife was enhanced from Rs.20,000/- per month to Rs.30,000/- per month.

2. Heard the learned counsel for the revision petitioner—husband and the learned Assistant Public Prosecutor appearing for the respondent—State. Perused the material available on record.

3. The case of the wife, in brief, is that her marriage with the revision petitioner was solemnized on 04.02.2007. The marriage was an inter-caste marriage arranged through a matrimonial website. At the time of marriage, though the respondent-husband initially represented that no dowry was required, his mother allegedly demanded huge amounts and gold. It is stated that an amount of Rs.10,00,000/- and 50 sovereigns of gold were given to satisfy the demands. After marriage, the wife alleges that the husband maintained illegal intimacy with another woman and, along with his family members, subjected her to physical and mental harassment. She was taken to the United States of America on the promise of securing employment, but was allegedly ill-treated there, denied proper food and medical care, and subjected to physical

violence. It is further alleged that her pregnancy was ended against her will. Subsequently, she was brought back to India and was allegedly deserted. According to her, repeated demands were made for additional dowry of Rs.50,00,000/-The wife asserts that she has no independent source of income and is unable to maintain herself. She contends that the husband is working as a Senior Architect Manager and is earning substantial salary, besides owning immovable properties and other investments. On these grounds, she sought maintenance. The learned Sessions Judge, upon considering the evidence on record, enhanced the maintenance from Rs.20,000/- to Rs.30,000/- per month.

4. The learned counsel for the revision petitioner submits that the impugned order is erroneous and contrary to law. It is contended that there is no sufficient evidence to establish that the petitioner has the financial capacity to pay enhanced maintenance. It is further contended that due to criminal cases and litigations, the petitioner lost his employment and is not in a position to pay the enhanced amount. It is also argued that enhancement from the date of filing of the maintenance case is improper and contrary to settled principles of law.

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

6. A perusal of the record discloses that Ex.C2 reflects the salary structure of the respondent as on 14.04.2009, showing a substantial annual package. Ex.C3 contains salary details for the year 2008 indicating gross earnings inclusive of basic pay, HRA, reimbursements, allowances, provident fund contribution, gratuity and other benefits. The evidence of P.W.3 also indicates that the annual pay of the respondent was more than Rs.12,00,000/- per annum, apart from variable incentives. Though it is contended that incentives were not consistently paid and that the petitioner lost employment, no satisfactory documentary evidence has been placed before the Court to substantiate such plea. In the absence of cogent material to disprove Exs.C2 and C3, the learned Sessions Judge was justified in taking into consideration the income reflected therein. It is well settled that maintenance has to be fixed keeping in view the income and status of the husband so as to enable the wife to live with reasonable comfort and dignity, consistent with the standard of living of her husband. The wife cannot be compelled to live in penury when the husband is in a sound financial position.

7. The learned Sessions Judge, having considered the salary particulars and the overall financial capacity of the husband, enhanced the maintenance from Rs.20,000/- to Rs.30,000/- per month. This Court does not find any perversity, illegality or material irregularity in the impugned order warranting interference in revisional jurisdiction.

8. As regards the allegation of second marriage during subsistence of the first marriage, it is left open to the wife to work out her remedies before the appropriate forum in accordance with law.

9. In the result, the Criminal Revision Case is dismissed. There shall be no order as to costs.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 20.02.2026
KKV

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 974/2019

Date 20.02.2026

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