IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL REVISION CASE No.1015 OF 2025

DATE : 10.07.2026

Between :

K. Priyanka

… Petitioner

And

The State of Telangana,
Rep., by its Public Prosecutor,
High Court of Telangana at Hyderabad & another

… Respondents

: ORDER :

This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 11.11.2025 passed in Crl.M.P.No.316 of 2025 in Criminal S.R.No.13374 of 2025 by the Sessions Judge, Hyderabad.

2. The petitioner filed the application under Section 5 of the Limitation Act seeking condonation of a delay of 268 days in filing an appeal against the order dated 13.11.2024 passed in Crl.M.P.No.291 of 2023 in D.V.C.No.323 of 2022. It was contended that, while paying the arrears of interim maintenance

of Rs.7,000/- per month, the respondent deposited the amount through a joint SBI cheque relating to himself and his father. On coming across the said cheque, the petitioner came to know that the respondent's last drawn salary was Rs.62,211/-. According to the petitioner, the respondent had deliberately failed to disclose the said bank account in his statement of assets and liabilities and had thereby concealed his actual income. On the basis of this subsequently discovered information, the petitioner sought condonation of the delay to enable her to prefer the appeal.

3. The respondent opposed the application contending that the amount of Rs.62,211/- reflected in his YES Bank, Hitech City Branch account pertained to April, 2023, when he was in service. He submitted that, after the termination of his employment, no further salary was credited to the said account and that the relevant bank statement had already been filed in the D.V.C. proceedings. It was therefore contended that there was no suppression of facts and that the petitioner had failed to show any sufficient cause for condoning the delay. Accepting the said contention, the Court below dismissed the application observing that the petitioner had not specifically pleaded the respondent's employment, monthly salary, or his dependants,

and had failed to establish sufficient cause for condonation of the delay. Aggrieved by the said order, this criminal revision case is filed.

4. Heard Sri P.Ranakamalasan, learned counsel appearing for the petitioner and Sri K.R.K.Gargeya, learned counsel appearing for respondent No.2.

5. The learned counsel for the revision petitioner contended that the Court below erred in dismissing the condone delay application by going into the merits of the case instead of examining whether sufficient cause had been shown for condonation of the delay. He also submitted that the explanation offered by the petitioner for the delay ought to have been considered independently, and the dismissal of the application on merits has deprived the petitioner of her valuable statutory right to prefer an appeal, thereby causing serious prejudice. Hence, it is prayed that the revision be allowed and the delay be condoned.

6. Per contra, the learned counsel for respondent No.2 supported the order of the Court below and contended that there is no illegality or irregularity warranting interference. He

contended that the petitioner's own case was that she decided to file the appeal only after receiving the maintenance amount through a cheque, by which she came to know of another bank account of respondent No.2. According to the learned counsel, such a reason does not constitute sufficient cause for condoning the delay. As such, prayed to dismiss this revision case.

7. Considering the rival submissions made by the learned counsel on either side and upon perusal of the material available on record, this Court finds that the order sought to be challenged before the appellate Court is only an interim order awarding interim maintenance of Rs.7,000/- per month to the petitioner. It is not in dispute that respondent No.2 has already preferred an appeal against the said order. The petitioner also sought to file an appeal with a delay of 268 days, contending that she came to know of another bank account of respondent No.2 only after the maintenance amount was deposited, which, according to her, disclosed concealment of his actual income.

8. A perusal of the impugned order shows that, instead of confining itself to the question as to whether the petitioner had shown sufficient cause for condonation of the delay, the Court below proceeded to examine the merits of the proposed appeal.

The question whether the petitioner is entitled to enhancement of interim maintenance is a matter to be decided by the appellate Court in the appeal on its own merits and not while deciding an application under Section 5 of the Limitation Act.

9. Having regard to the petitioner's contention that respondent No.2 had not disclosed all his bank accounts in the statement of assets and liabilities and in order to afford the petitioner a fair opportunity to effectively pursue her statutory remedy of appeal, this Court is of the considered opinion that the impugned order cannot be sustained and is liable to be set aside.

10. Accordingly, the Criminal Revision Case is allowed setting aside the order dated 11.11.2025 passed in Crl.M.P.No.316 of 2025 in Criminal S.R.No.13374 of 2025 by the Sessions Judge, Hyderabad.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date : 10.07.2026
Rds

THE HON'BLE SMT. JUSTICE K. SUJANA

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