
(1993) 02 AP CK 0043

In the Andhra Pradesh High Court

Case No : Criminal Revision Case No. 610 of 1992

K. Babu Rao

APPELLANT

Vs

Smt. K. Mahalakshmi and Others

RESPONDENT

Date of Decision : 23-02-1993

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125, 397, 401

Citation : (1993) 1 ALT 536

Hon'ble Judges : B. Subhashan Reddy, J

Bench : Single Bench

Advocate : M.V. Ramabrahmam, for Singam Venkata Subba Rao, for the Appellant; C. Balagopal, for Respondents 1 to 4 and Public Prosecutor for 5th Respondent, for the Respondent

Judgement

B. Subhashan Reddy, J.—This Criminal Revision case is directed against the order granting maintenance by the Court of X Metropolitan Magistrate, Secunderabad in M.C. No. 31 of 1989. Admittedly, the order is passed ;x-parte. No proper opportunity was given to the petitioner to adduce his evidence and project his case. In the circumstances, the impugned order passed be the Court of X Metropolitan Magistrate, Secunderabad in M.C. No. 31/89 is set aside and the said Magistrate shall restore the said case to file and conduct trial afresh after affording further opportunity to either of the parties. But, pending the same, in addition to what has been paid by the petitioner, till this date, the petitioner shall pay an amount of Rs. 600/- (Rs.150/- to each of the four respondents i.e., 1 to 4 herein) by way of interim maintenance. This interim maintenance paid shall not be recoverable and so also the amounts which have been paid till this day. I am making it clear that apart from the amounts already paid by the petitioner till this day, he shall be liable to pay at the rate of only Rs. 600/ - per month from the month of March, 1993 onwards till the disposal of the main case and the regular maintenance will depend upon the result of the above main petition for maintenance.

2. The Criminal Revision case is allowed in part to the extent indicated above.