

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.3045 of 2023

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C'), is filed by petitioner to suspend the judgment of the Additional Judicial I Class Magistrate Court, Amalapuram in M.C.No.3 of 2012 dated 04.07.2017 as confirmed by the Court of II Additional District and Sessions Judge, Amalapuram in C.R.P.No.151 of 2022 dated 01.12.2022.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor representing the respondent/State.

3. The learned counsel for the petitioner submitted that 3rd respondent/child is not born to the petitioner and the marriage with the 2nd respondent/wife was dissolved by order of divorce in O.P.No.23 of 2012 on the file of the Court of Senior Civil Judge, Tanuku on 04.06.2013. He further submitted that the petitioner has no income, whereas the 2nd respondent is earning Rs.10,000/- per month.

4. Perused the record.

5. Though a photostat copy of the order in O.P.No.23 of 2012 is filed along with the petition, it was not filed in evidence before the Magistrate though the order in M.C.No.3 of 2012 was passed on

04.07.2017. It is not even argued before the Magistrate, so also in the revision petition filed before the Sessions Court in C.R.P.No.151 of 2017. Insofar as the capacity of R-2 to maintain herself is concerned, no evidence was led that she is working and earning. Similarly, the plea that the petitioner is not the father of the 3rd respondent has failed. The learned Magistrate as well as the learned Sessions Judge declined the contention of the petitioner that the girl child is not the daughter of the petitioner. The petitioner himself admitted that he is working as a labourer. It is sufficient for seeking maintenance against husband who is able bodied. Moreover, the quantum of maintenance awarded to the wife is Rs.2,500/- per month and Rs.1,500/- to the girl child. In these days of high prices, the quantum of maintenance awarded is not on high side. In any way, no ground is shown to interfere with the orders of the Magistrate and the Sessions Court.

6. On perusal of the entire material on record, there is no merit in this petition. As such, the criminal petition is not maintainable.

7. Hence, the criminal petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

Dt.26-04-2023
PNV

B.S.BHANUMATHI, J