

IN THE COURT OF THE XV ADDL.DISTRICT & SESSIONS  
JUDGE::KRISHNA DISTRICT AT NUZVID.

PRESENT: SMT. A.BHARATHI,  
XV ADDITIONAL DISTRICT & SESSIONS JUDGE, NUZVID

Tuesday, 22<sup>nd</sup> day of January,2019

CRIMINAL REVISION PETITION No.12/2018 IN M.C.No.36/2016 ON  
THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE, TIRUVURU.

Between:

Gadesula Radhika, W/o Rajesh Babu, Hindu, 34 years, R/o Plot  
No.403, 4<sup>th</sup> floor, A. Block, Sree Sai Paradise, Near Jagan Studios,  
Pragati Nagar, Aleap Road, Kukatpalli, Hyderabad presently  
C/oVootla Hanumantha Rao, Gampalagudem, Krishna District.

...Revision petitioner

And

Gadesula Rajesh @ Rajesh Babu, S/o Prabhakar Rao, Hindu, 38  
years, R/o Plot No.403, 4<sup>th</sup> floor, A. Block, Sree Sai Paradise, Near  
Jagan Studios, Pragati Nagar, Aleap Road, Kukatpalli, Hyderabad

....Respondent.

REVISION PETITON FILED ON BEHALF OF PETITIONER AGAINST  
THE ORDER DT.13.10.2017 IN M.C.No.36/2016 ON THE FILE OF  
JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUVURU UNDER  
SECTIONS 397 & 399 OF Cr.P.C.:

Between:

Gadesula Radhika

..Petitioner

And

Gadesula Rajesh @ Rajesh Babu

...Respondent

This petition is coming up on 17.1.2019 before me for  
final hearing in the presence of Sri M.Basava Rao, Sri G.Ravi,  
Advocates for Revision petitioner and of Smt.D.Kavitha,  
Advocate, for respondent; and the same is having stood over to  
this day for consideration, this court upon perusing the entire  
material on record, upon hearing and consideration, this court  
delivered the following:

### **ORDER**

1. This Revision petition is preferred against the orders  
passed in M.C.No.36/2016 dt.13.10.2017 on the file of Judicial  
First Class Magistrate, Tiruvuru, rejecting grant of maintenance of  
Rs.20,000/- p.m. to the petitioner U/s.125 Cr.P.C.

2. Brief averments of the petition are that:

The petitioner got marriage with the Respondent on 31.10.2009 and at the time of marriage her father gave Rs.10,00,000/- towards pasupu kumkuma and Ac 1.00 of dry land worth of Rs.15,00,000/- and parents of petitioner also gifted gold bracelet and gold ring to the respondent weighing about 24 grams. Later respondent was addicted to vices like liquor, and adultery and started harassing the petitioner to bring additional dowry of Rs.15,00,000/- from her parents and used to beat her frequently and threatened to kill the petitioner. The respondent used to live with one Amala Jyothi and neglected the petitioner and as such she is residing at her parents house. It is further contended that Respondent is having Fair Price Dealer shops and earning Rs.30,000/- p.m., and by doing job the respondent is earning Rs.50,000/- p.m. and the parents of respondent also having building worth of Rs.40,00,000/-. The Respondent, being husband of petitioner is bound to maintain her and the respondent willfully refused to maintain her. In the circumstances, petitioner is constrained to file the present petition seeking maintenance of Rs.20,000/- p.m. from the respondent.

3. The respondent/husband filed counter, denying the allegations made in the petition, while admitting his marriage with the petitioner and her parents gifted Ac 1.00 of agricultural land towards pasupu kumkuma and except that nothing was given to him. Ever since the marriage, the petitioner did not cooperate for leading marital life and used to harass to shift their family to her parents place and used to insult him. The land which was gifted to her at the time of marriage was also sold for

marriage of her sister and the petitioner voluntarily left the company of respondent without any reason and as such she is not entitled for maintenance from him and prayed to dismiss the petition.

4. During course of trial, the petitioner got examined herself as P.W.1 and the respondent got examined himself as R.W.1. No documents were marked on either side. Considering the evidence on record, the learned Magistrate dismissed the petition.

5. Aggrieved by the said order, petitioner/wife has preferred the present Revision with following grounds:

That the trial court ought to have seen that the respondent neglected and refused to maintain the petitioner; the trial court went in wrong deciding that the petitioner refused for reunion with the respondent in her cross examination. The trial court wrongly concluded that the petitioner is well educated and she can maintain herself by doing job. The trial court ought to have seen that the petitioner has no means to maintain herself and the respondent is doing job and getting higher income; therefore, the order passed by the trial court is erroneous and liable to be set aside.

6. Heard arguments on both sides and perused the case records and the written arguments filed by the Revision petitioner.

7. Now the point for consideration is :

Whether the order passed by the Trial Court in M.C.No.30/2016 dated 13.10.2017 rejecting grant of maintenance to the petitioner is justified or warrants any interference?

**POINT:**

8. The contention of revision petitioner is that her marriage was performed with the respondent on 31.10.2009 in the presence of elders in Gampalagudem village and at the time of marriage her father gave Rs.10,00,000/-cash towards pasupu kumkuma besides Ac 1.00 of land in S.No.255 worth of Rs.15,00,000/- and her parents also gifted gold bracelet and gold ring weighing 24 grams to the respondent and she led marital life with the respondent in Uppal Area, Hyderabad and the parents of respondent misrepresented her parents stating that the respondent is earning Rs.25,000/- p.m. by doing medical transcription and cheated them. The respondent was addicted to vices, one Amala Jyothi filed case against the respondent and sent notice to the parents of respondent. The respondent and his parents demanded her to sell away Ac 1.00 of land given to her to settle the matter with Amala Jyothi and threatened her not to disclose the issue to anybody and then her mother sold the land to one R.Purnachandra Rao for Rs.15,00,000/- vide doc.No.3755/2011 and arranged amount to the respondent. Out of the said amount, the respondent got settled the dispute with Amala Jyothi by giving Rs.3,00,000/- and rest of the amount was kept with the respondent and his father and they used to run chit fund business. The respondent is habituated to collect money from her father by threatening him to kill and parents of respondent used to support the acts of respondent.

9. It is further contended by the Revision petitioner that mother and father of respondent used to abuse her as GODRALU and harassed her mentally. The parents of respondent did not provide maintenance to them when the respondent lost his job.

The respondent and his parents demanded Rs.1,00,000/- on 12.12.2014 to attend marriage of her younger sister. To save their family reputation, her father gave Rs.1,00,000/- to the respondent. The respondent did not accept to come to the house of her parents and the parents of respondent refused to allow her to their house as her father expressed his inability to provide money. Her parents tried to compromise the issue in the presence of elders T.Srinivasa Rao, B.Radha Krishna, S.Srinivasa Rao, Bathula Srikanth in the month of July, 2015. The respondent and his parents demanded to bring Rs.5,00,000/- for reunion of their family. She did not left the company of respondent on her own and she is constrained to left his house as the respondent is not performing his duties as a husband and the respondent is having agricultural income of Rs.5,00,000/- p.a. and earning Rs.50,000/- p.m. by doing job and she has no option to file the petition seeking maintenance of Rs.20,000/- p.m. along with costs.

10. The contention of respondent is that there are no disputes between him and his wife and they started their marital life in Uppal Area and sister of petitioner also lived with them by doing job, till her marriage in the year 2014, and he attended all the functions and in the month of March, 2015 the petitioner voluntarily left his house without his knowledge, he waited for one month but the petitioner did not return and she did not call him and then he went to his father-in-law's house at Gampalagudem and asked to send his wife with him, the petitioner insisted him to come to Khammam to do job. When he and his parents went to Khammam and the elders conducted mediation, the petitioner and her father demanded

Rs.20,00,000/- to settle the issue, as he is unable to pay the amount, the petitioner filed several cases against him.

11. As seen from the cross examination of P.W.1 she admitted that after their marriage, her sister stayed along with them in Uppal Area, till her marriage and the respondent respected her sister. P.W.1 further admitted that she did not file any documentary proof to show that her mother sold Ac 1.00 land and gave Rs.3,00,000/- to the respondent to settle the matter with Amala Jyothi. P.W.1 also admitted that she studied M.Sc., Computers and she left the house of her husband without informing him and she is not willing to join with the respondent to lead marital life. P.W.1 further admitted that her parents and elders went to Aswapuram for mediation, she filed D.V.C case and Sec.498-A IPC case against him. Except the oral evidence of P.W.1, she did not choose to examine any witnesses or any documentary proof in support her version to prove that her parents gave Rs.10,00,000/- cash to the respondent and also gave Rs.15,00,000/- to the respondent and his father by selling Ac 1.00 land by her mother to settle the dispute with Amala Jyothi and the respondent was addicted to vices and failed to provide maintenance to her. Further as seen from the evidence of P.W.1 and R.W.1 it appears that even the respondent is ready to maintain the petitioner, she is not willing to join the company of respondent to lead marital life. In such circumstances, in the absence of reliable evidence, I am of the considered opinion that the trial court rightly concluded that the petitioner is not entitled for any maintenance from the respondent without sufficient cause as she voluntarily left the company of respondent. Hence, I

see there are no valid grounds to interfere with the findings of trial court.

12. In the result, the Criminal Revision petition is dismissed.

No costs.

Dictated to Stenographer, Grade I, transcribed by him, corrected and pronounced by me in the open court, this the 22<sup>nd</sup> day of January, 2019.

XV ADDL. DISTRICT JUDGE,  
NUZVID.

Copy to:

The Judicial Magistrate of I Class, Tiruvuru.

Read by: M.L.R.K.Rao,

Compared by:

//TRUE COPY//

ADMINISTRATIVE OFFICER,  
XV ADJ COURT, NUZVID.