

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL APPEAL No.813 of 2015**

**JUDGMENT:**

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This Criminal Appeal is filed by the appellant challenging the order dated 14.7.2015 passed in Crl.M.P.No.35 of 2015 in M.C.No.190 of 2011 by the Family Court, Ranga Reddy District. L.B. Nagar.

The 1<sup>st</sup> respondent filed M.C.No.190 of 2011 claiming maintenance from the appellant. The petitioner filed the above Crl.M.P. under Section 340 Cr.P.C., seeking to hold enquiry before disposing of the main case, on the ground that the 1<sup>st</sup> respondent intentionally gave false evidence suppressing the fact that she is working. However, the above application was dismissed for default. Aggrieved by the same, the petitioner filed this appeal.

Heard and perused the material available on record.

Before going into the merits of the case, it is pertinent to note that the order impugned herein is a default one. Section 341 Cr.P.C. contemplates that in case of refusal to make a complaint under Section 340(1) or (2) by any Court other than the High Court, the aggrieved party may appeal to the Court to which such former Court is subordinate, within the meaning of Section 195(4) Cr.P.C. Section 195(4) contemplates that for the purpose of clause (b) of sub-section (1) the appeals ordinarily lie from the appealable decrees or sentences of such former Court.

In the instant case, the order impugned has not arisen from out of the appealable decrees or sentences of former Court. In this view of the matter, this appeal is not maintainable and hence, the appeal is liable to be dismissed.

Accordingly, the Criminal Appeal is dismissed as not maintainable.

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**JUSTICE RAJA ELANGO**

Dated: 7.9.2015

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**07.9.2015**

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