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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Crl. M.C. No.2265 of 2010 & Crl. M.A. No.8803 of 2010

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26.07.2010

SANJEEV KAPUR

..... Petitioner

Through: Mr. Manu Nayar, Advocate.

Versus

STATE (NCT OF DELHI)

.....Respondent

Reserved on: 19th July, 2010
Pronounced on: July 26, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. This petition under Section 482 Cr.P.C. has been preferred by the petitioner against an order dated 2nd June, 2010 passed by learned Additional Sessions Judge in revision petition whereby the learned Additional Sessions Judge dismissed the revision petition.

2. It is settled law that 482 Cr.P.C. cannot be resorted to as a second revision against an order of first revision court. This petition is, therefore, not maintainable on this ground alone.

3. In this case, the petitioner was served upon a notice under Section 107/111 Cr.P.C. by Special Executive Magistrate asking him to attend the SEM's Court and to show cause as to why he should not be ordered to execute a surety bond and a personal bond.

Whenever a show cause notice is issued, a person is given opportunity to reply to show cause notice and to put up his case as to why it was not necessary to call him to SEM's court and why it was not necessary for him to execute a bond of keeping peace.

4. Show cause notice is a purely interlocutory order and I consider that the learned Additional Sessions Judge rightly dismissed the revision.

5. The present petition is not maintainable and is hereby dismissed.

SHIV NARAYAN DHINGRA
[JUDGE]

JULY 26, 2010
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