

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 320 of 2015**

- Shailesh Sharma S/o Late Krishna Gopal Sharma Aged About 43 years R/O Flat No. 104, Bodhisattva, Saket Apartment, Near Agrasen Chwok Bilaspur, P.S. Civil Lines Tahsil & District Bilaspur Chhattisgarh

---- Applicant**Versus**

- R. K. Automobiles S/o Through Partner Arvind Garg, Aged About 45 Years S/O V.P. Garg, R/O 43 A/2, Rotri Road, Tifra Industrial Area, Civil Lines Tahsil & District - Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri Mukesh Sharma, Advocate.
For : -----

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23/04/2015**

Heard.

2. By filing the present revision under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, the applicant has challenged the order dated 06.4.2015 passed by Judicial Magistrate First Class, Bilaspur in Complaint Case No.9722/14 (RK Automotives through Partner Arvind Garg vs. Shailesh Sharma).

3. While deciding the fate of this criminal revision on motion hearing, it is relevant to quote Section 397(1) of the Code and its explanation

“397. Calling for records to exercise powers of revision.- (1) The High Court or any Sessions Judge may call for and examine the record of any proceedings before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of

satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

Explanation.- All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and section 398.”

4. The applicant has not preferred any criminal revision before the Sessions Judge as the Judicial Magistrate First Class, Bilaspur is an inferior criminal Court within its local jurisdiction as mentioned in the explanation. The concerned JMFC shall be continued to be inferior to the Sessions Judge for the purpose of this sub-section of Section 397 of the Code. The applicant has failed to show any law on the basis of which he can claim hearing and may file criminal revision before the High Court without availing forum which is initially provided under Section 397 (1) of the Code and also in its explanation.

5 On entire perusal of the revision, I do not see any ground to admit this criminal revision for hearing. The revision is not maintainable in the present state before this Court, hence, the revision is dismissed at the motion stage itself.

6. The Registry is directed to return the certified copy of the order filed on behalf of the applicant and keep a photocopy of the same on record.

(Chandra Bhushan Bajpai)
J U D G E

