

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2342 of 2014

ORDER:

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This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.) aggrieved by the order dated 14.07.2014 passed in C.C.No.163 of 2014 on the file of Chief Metropolitan Magistrate, Hyderabad.

The facts in issue are as under:

The petitioner herein was charge sheeted for the offences punishable under Section 160 IPC, in respect of an incident which is alleged to have taken place on 31.07.2012. After completing investigation, the police filed a charge sheet, which was taken on file as C.C.No.163 of 2014 on the file of the Chief Metropolitan Magistrate, Hyderabad. On 14.07.2014, learned Magistrate passed the following order in the above C.C.:

“ A3 present.A1 and A2 absent. No representation. Instructions/orders from the Hon'ble MSJ Court, Hyderabad received in Dis.No.2885 of 2014, dated 08.07.2014 in all three cases.

Accused is informed of the orders cum instructions of the Hon'ble MSJ vide Dis.No.2885 of 2014, dated 08.07.2014 to proceed further with the case as per law and to direct the parties to appoint counsel. When the same is informed to the accused in open Court, he told that he will challenge the said instructions/order. L.W.1 present. Since the case is proposed for transfer and the instructions received and in view of the above submissions of accused, directing the accused to engage his counsel to defend his case, the case is not proceeded with.

The transfer proposals made by this Court will also part of this docket. It is very difficult to proceed with, in the circumstances of the case and delay if any going to be occurred, not by this Court. The co-operation of the both parties is must for disposal of the case on merits.

As a trial Court, I observe the conduct of accused is not worthy, in non-co-operation of trial and in the circumstances, this trial Court has no option except to adjourn the case till the co-operation from the accused is extended to this Court by engaging legal practitioner/advocate to defend this case of accused and also other connected cases. So this Court adjourned the case to 19.08.2014.”

Challenging the order dated 14.07.2014, the petitioner herein filed CrI.R.P. (SR) Nos.8276 of 2014 requesting the Court to hear the matter with regard the maintainability of the petition.

The said application was rightly rejected by the Court holding as under:

“...there is nothing in the order, which results in the termination of proceedings, unless an order results in termination of proceedings, it cannot be termed as final order and it remains to be an interlocutory order against which a revision is barred under Section 397(2) of Cr.P.C. The ruling of the Hon'ble High Court of Rajasthan reported in 1991 Law Suit (Raj) 63, does not help the petitioner, as it does not say that the order of the type which is assailed by the petitioner can be termed as an interlocutory order. Hence, both the files are returned.

In the result, both the revisions are not maintainable and the case files are returned.”

Aggrieved by the same, the present revision is filed.

Without going into the maintainability of the criminal revision case, the present revision is disposed of by advising the trial Court to dispose of the case, as expeditiously as possible in accordance with law, as the C.C. is of the year 2014. Further, the petitioner, who appeared in-person has expressed his inability to engage a lawyer and wants to conduct the case by himself. The same may be considered in accordance with law. It is further made clear that the petitioner and the respondent shall co-operate for an early disposal of the case.

With the above direction, the Criminal Revision Case is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.02.2015
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