

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Crl.R.C. No.2513 of 2015

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), challenging the order dated 22.09.2015 in Crl.M.P.No.1103 of 2015 in M.C. No.223 of 2010 on the file of the Court of Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court, Hyderabad.

2. Heard Sri Nimmagadda Satyanarayana, the learned counsel for the petitioner, and the learned Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that respondent Nos.2 and 3 herein have filed M.C. No.223 of 2010 against the petitioner seeking maintenance under Section 125 Cr.P.C. The petitioner filed Crl.M.P. No.1103 of 2015 under Section 91 Cr.P.C. to direct respondent Nos.2 and 3 herein to produce the latest salary certificate.

4. Learned counsel for the petitioner submits that the revision petition is maintainable against the orders passed under Section 91 Cr.P.C.

5. It is needless to say if there is any illegality or irregularity in the orders of the trial Court, this Court can interfere and set aside the same, while exercising the jurisdiction under Section 397 Cr.P.C.

5. The crucial question that falls for consideration is, whether the revision petition lies against the orders passed by the trial Court on a petition filed under Section 91 Cr.P.C.

6. In order to appreciate the rival contentions, this Court is placing reliance on the ratio laid down in **Sethuraman v. Rajamanickam**¹, wherein the Hon'ble Apex Court held at paragraph No.4 as follows:

“4. Secondly, what was not realized was that the order passed by the Trial Court refusing to call the documents and rejecting the application under Section 311 Cr.P.C., were interlocutory orders and as such, the revision against those orders was clearly barred under Section 397(2) Cr.P.C. The Trial Court, in its common order, had clearly mentioned that the cheque was admittedly signed by the respondent/accused and the only defence that was raised, was that his signed cheques were lost and that the appellant/complainant had falsely used one such cheque. The Trial Court also recorded a finding that the documents were not necessary. This order did not, in any manner, decide anything finally. Therefore, both the orders, i.e., one on the application under Section 91 Cr.P.C. for production of documents and other on the application under Section 311 Cr.P.C. for recalling the witness, were the orders of interlocutory nature, in which case, under Section 397(2) Cr.P.C., revision was clearly not maintainable. Under such circumstances, the learned Judge could not have interfered in his revisional jurisdiction. The impugned judgment is clearly incorrect in law and would have to be set aside. It is accordingly set aside. The appeals are allowed.”

7. As per the principle enunciated in the case cited supra, no revision lies against the orders passed under Sections 91 and 311

¹ 2009 (1) ALD (CrL.) 871 (SC)

Cr.P.C. The facts of the case on hand are almost identical to the facts of the case cited supra.

8. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered view that the criminal revision case is not maintainable.

9. Accordingly, the Criminal Revision Case is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case, shall stand closed.

20th October, 2016.

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T.SUNIL CHOWDARY, J

