

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.453 OF 2015

ORDER:

This Criminal Revision Case is preferred by the petitioner/*de facto* complainant under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") challenging the order, dated 24.2.2015, in CrI.M.P.No.83 of 2015 in CrI.R.P.No.2 of 2015 on the file of the Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District.

2. Initially, the petitioner herein/*de facto* complainant filed one private complaint against respondent Nos.2 to 4 herein before the VIII Metropolitan Magistrate at Rajendra Nagar and the same was registered as F.I.R.No.115 of 2012 by RGI Airport Police, Shamshabad for the offences punishable under Sections 420, 406 and 506 I.P.C. As respondent Nos.2 to 4 were hatching a plan to convert the agricultural land into non-agricultural land, the petitioner filed a fresh private complaint before the same Magistrate and RGI Airport Police, Shamshabad registered the same as F.I.R. No.282 of 2013 for the offences punishable under Sections 406, 420, 430, 447, 464 and 506 read with 34 I.P.C. Later, the said crimes were numbered as C.C.Nos.82 of 2013 and 1069 of 2013 respectively. Respondent Nos.2 to 4 herein filed CrI.M.P.No.4020 of 2014 in C.C.No.1069 of 2013 before the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar under Section 239 Cr.P.C. and the same was dismissed. Aggrieved thereby, they filed Criminal Revision Petition No.2 of 2015 before the Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District. Pending CrI.R.P.No.2 of 2015, they filed CrI.M.P.No.83 of 2015 seeking stay of all further proceedings in C.C.No.1069 of 2013 and C.C.No.82 of 2013 on the file of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, Hyderabad. *Vide* impugned order, the learned Sessions Judge

ordered to stay all further proceedings in C.C.Nos.1069 of 2013 and 82 of 2013 on the file of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar till 25.3.2015 and issue notice to the petitioner herein through registered post and personal service by 25.3.2015. Challenging the same, the present Revision Case is filed.

3. It is the grievance of the petitioner herein that respondent Nos.2 to 4 herein filed a petition before the Sessions Court aggrieved over by the dismissal of a discharge petition by the trial Court and the same was withdrawn by respondent Nos.2 to 4. Within a short span of time, the impugned application was filed by respondent Nos.2 to 4 in which the learned Sessions Judge passed the impugned docket order and stayed the further proceedings before the trial Court.

4. Learned counsel for the petitioner submitted that after withdrawal of an application, the Court below ought not to have entertained another application for the same relief; that without adding the *de facto* complainant as a party to the proceedings, the Sessions Judge should not have passed the impugned order.

5. Heard and perused the material available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that the Criminal Revision Case itself is not maintainable since the stay order granted by the learned Sessions Judge is interlocutory in nature and further, when the petitioner knew about the pendency of the Criminal Revision Petition, he could have filed an application to vacate the stay before the Court below and seek to implead him as a party. Without availing such remedy, he filed the present Revision Case. Hence, the Criminal Revision Case is disposed of with the following direction:

The petitioner is directed to file an application
before the learned Sessions Judge informing his

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRI.R.C.No.453 OF 2015

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Date:27.6.2016

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