

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 837 of 2015

ORDER:

The present Revision is filed under Section 397 of Cr.P.C., aggrieved by the order dated 10.04.2015 passed in CrI.M.P.No.2434 of 2014 in C.C.No.463 of 2006 on the file of the III Metropolitan Magistrate, Vijayawada, Krishna District, wherein the petition filed under Section 258 of Cr.P.C. was rejected.

The facts in issue are as under:

The second respondent filed a private complaint against the petitioner/accused for the offences punishable under sections 138 to 142 of NI Act. Pending the said proceedings, the present application is filed seeking to stop the proceedings.

A bear reading of Section 258 of Cr.P.C. reads as under:

“In any summons-case instituted otherwise than upon complaint, a Magistrate of the first class or, with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case release, the accused, and such release shall have the effect of discharge.”

Though the Court has got power to stop the proceedings at any stage, it is to be noted Section 258 of Cr.P.C. is applicable only to summons case initiated otherwise than upon a complaint. But, in the instant case, the case was instituted

on the basis of a private complaint. Hence, the petition filed under Section 258 of Cr.P.C. itself is not maintainable and consequently the revision filed against the said order is liable to be dismissed.

Accordingly, the revision is dismissed. However, it is always open to the petitioner to avail remedies available under law, if any.

As a sequel thereto, Miscellaneous Petitions pending if any in this Criminal Revision Case, shall stand closed.

C. PRAVEEN KUMAR, J

28.07.2016

vhb

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