

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1127 of 2017

ORDER:

Heard and perused the impugned order.

Once the Section 302 Cr.P.C. permits as also laid down by the Apex Court in **Shri Balasaheb K. Thackeray & Another Vs. Shri Venkat @ Babru S/o. Wamanrao**¹ that the LRs can continue the proceedings of a private complaint procedure of a criminal proceeding no doubt a case under Sections 499 & 500 IPC, there is nothing to interfere with the impugned order. Coming to the other contention of the petitioner is not a sole legal heir and there are no other legal heirs. Even such a contention is left open if at all to implead or to obtain authorization for others as the case may be, the petitioner given liberty to file petition under Section 205 Cr.P.C. to dispense with personal appearance to direct as and when personal appearance is required to consider. The contention that the petition is not filed under Section 302 Cr.P.C., but under Section 256 Cr.P.C. makes no difference as mere non-quoting of legal provision no way fatal.

Accordingly and in the result, the criminal revision case is disposed of before admission.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.04.2017
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¹ 2006 (5) SCC 530