

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.7855 OF 2017

ORDER

Heard Sri Solomon Raju Manchala, learned counsel for the petitioner and the learned Assistant Government Pleader (Revenue) for respondents.

The petitioner prays for writ of Certiorari to call for the records in MC No.09/2017, dated 16.02.2017 from the office of the 3rd respondent and quash the order as illegal and without jurisdiction.

Writ petition is filed challenging an order passed by the 3rd respondent under Section 145 of the Code of Criminal Procedure. To the pointed query of the Court whether order impugned in the writ petition can be challenged before the Sessions Court under Code of Criminal Procedure Code, learned counsel for the petitioner does not dispute the availability of effective remedy under Criminal Procedure Code. He however tries to persuade this Court that principles of natural justice are violated and therefore, the jurisdiction of

this Court under Article 226 of the Constitution of India is invoked.

After perusing the order impugned in the writ petition, this Court is of the view that the remedy now invoked under Article 226 of the Constitution of India is misconceived. The petitioner has remedies of appeal, revision etc., under the Code of Criminal Procedure against the proceedings impugned herein. This Court normally does not entertain writ petitions where the orders impugned in the writ petitions can be challenged as per the scheme of the Act/Code either by filing appeal or revision.

However, the Writ Petition is dismissed by leaving it open to the petitioner to work out remedy against the proceeding impugned in this writ petition under Criminal Procedure Code. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE S.V.BHATT

2nd June, 2017
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