

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.2188 OF 2017

ORDER:

This criminal revision case is filed under Section 397(1) Cr.P.C challenging the order passed by the XII Special Magistrate Hyderabad in CrI.M.P.Nos.1509 & 1510 of 2017 in C.C.No.293 of 2015 dated 16.06.2017, wherein, the Trial Court allowed the miscellaneous petitions filed for receiving of certain documents and to recall P.W.1 for marking of the said documents. Aggrieved by the said order dated 16.06.2017, the respondent before the Trial Court preferred the present criminal revision case.

However, this Court took an objection about maintainability of the revision in view of the interdict contained under Section 397(2) Cr.P.C, since the order under Section 311 Cr.P.C is interlocutory in nature. This question is no more *res integra*, in view of the judgment of the Supreme Court in **Sethuraman v. Rajamanickam**¹.

Therefore, I find that the criminal revision case is not maintainable, in view of the bar under Section 397(2) against the order passed under Section 311 Cr.P.C. Consequently, the criminal revision case is liable to be dismissed.

In the result, criminal revision case is dismissed.

Consequently, miscellaneous applications pending if any, shall stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.08.2017
SP

¹ 2009 CrI.L.J. 2247