

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL APPEAL No.300 of 2017

ORDER :

Aggrieved by the order dated 02.12.2016 in CrI.MP.No.203 of 2016 in Crime No.15/ RCT-HR/ 2015 on the file of the I Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, this revision is filed.

Heard both sides.

Though there is a right of appeal, even Section 401 clauses (4) and (5) Cr.P.C. says for appeal remedy, revision is not maintainable, however, the Court may convert the revision into appeal and even this Court got appellate jurisdiction in these matters, by converting the same as appeal and from the fact that no enquiry conducted like in a civil suit by recording evidence, in disposal of the application, by the impugned order of the lower Court, the same is set aside and remitted the same back to the lower Court to decide on own merits by recording evidence, preferably within three months from the date of receipt of copy of this order.

Accordingly, the Criminal Appeal is allowed.

Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:13-02-2017

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