

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1886 of 2017

ORDER:

This revision is filed under Sections 397 and 401 of Code of Criminal Procedure (for short "Cr.P.C.") questioning the propriety and legality of the objection taken by the Judge, Family Court, Khammam in CrI.M.P.S.R.No.702 of 2017 in CrI.M.P.No.385 of 2014 in M.C.No.45 of 2014.

CrI.M.P.S.R.No.702 of 2017 was filed under Order XLVII Rule 1 of Code of Civil Procedure (for short "C.P.C.") read with 127 (2) of Cr.P.C. for review of the order passed in CrI.M.P.No.385 of 2014 in M.C.No.45 of 2014 passed by the Judge, Family Court, Khammam.

Office of the Family Court, Khammam took objection about the maintainability of the petition for review under Order XLVII Rule 1 of C.P.C. and returned the petition with three objections by order dated 06.06.2017. Again the petitioner herein resubmitted the said application on 06.06.2017. Again, the same was returned by the office by order dated 27.06.2017.

Instead of complying with the office objections, the present revision is filed.

In fact, no review is contemplated under Cr.P.C. and filing a petition under C.P.C. for review of order passed in CrI.M.P.No.385 of 2014 in M.C.No.45 of 2014 itself is sufficient to conclude that the petition was filed by non-application of mind by the petitioner and without drawing the

distinction between Civil and Criminal proceedings filed the present petition and the same is against the elementary principles of law. Therefore, against the order under challenge, no revision is maintainable and the same is liable to be dismissed.

In the result, the criminal revision case is dismissed. However, the petitioner is at liberty to represent the petition before the Family Court, Khammam after complying with the objections raised by the Judge, Family Court, Khammam within 10 days from today. In the event of failure to comply with the objections taken by the Judge, Family Court, Khammam within the time prescribed, the petition is deemed to have been rejected.

Registry is directed to return the Crl.M.P.S.R.No.702 of 2017 in Crl.M.P.No.385 of 2014 in M.C.No.45 of 2014 to the advocate on record under proper acknowledgement.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

21.09.2017
Ksp