

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.2064 of 2017

ORDER:

This criminal revision case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), challenging the propriety, legality and correctness of the order, dated 23.11.2016, passed by the Principal Senior civil Judge, Kadapa, in CrI.M.P.No.464 of 2016, appointing advocate commissioner to take possession of the property under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') fixing fee at Rs.5,000/- with a direction to broke open the lock of schedule premises, if necessary.

2. The order passed by the Court is under the provisions of SARFAESI Act and at best the remedy available to the petitioner is to file appropriate application before the Debt Recovery Tribunal questioning the order. But, no revision is maintainable against such order under the provisions Criminal Procedure Code. Therefore, granting liberty to the petitioner to file appropriate application before the Debt Recovery Tribunal or before any other court.

3. With the above observation, the criminal revision case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

23rd October 2017.
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