

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2183 OF 2017

JUDGMENT:

The present Criminal Revision Case is filed by the revision petitioner under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code') challenging the returned order, dated 14.03.2017, passed by the learned Judicial Magistrate of First Class, Kamareddy. The endorsement under challenge reads thus:

“How the petition is maintainable in view of the limitation prescribed u/s.125 (3) Cr.P.C.
Return

Sd/-
JMFC, Kamareddy”

2. The said order was passed pursuant to the note put up by the office of the said Court on 14.03.2017, which is thus:

“Madam,
Arrears petition filed u/s 128 Cr.P.C. in MC 87/09.
Petition filed for arrears of 27 months period from
3-12-14 to 3-3-17.
Petition exceeds limit of 11 months.
Hence, may be returned.

Sd/- “

3. What all the learned Judicial Magistrate of First Class, Kamareddy, has mentioned is, he required the revision petitioner to show as to how the said petition is maintainable in view of the limitation under Section 125 (3) of the Code. Certainly, the remedy under Section 401 of the Code is not available, and it is for the revision petitioner to seek to call on bench before the learned Magistrate and advance submissions as to the maintainability of such

application. When a final order is passed then only a revision arises there-from. In such an event, the present Criminal Revision Case cannot be entertained.

4. The present Criminal Revision Case is, accordingly dismissed. However, the revision petitioner can avail opportunity of tendering the submissions before the learned Magistrate, and the learned Magistrate is directed to act in accordance with law.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

November 27, 2017.

Note: The Registry is directed to return the original petition forthwith, where the endorsements are made by the office as well as the Magistrate.

(B/O.) Mgr

