

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.1729 OF 2017

ORDER:

This criminal revision case is filed under 397 & 401 Cr.P.C, challenging the order passed in Crl.M.P.No.91 of 2017 in SC/ST.SC.No.08 of 2016 dated 27.04.2016 passed by the Special Judge for Trial of offences under the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-V Additional Sessions Judge, Medak at Sangareddy.

The prosecution filed a Crl.M.P.No.91 of 2017 under Section 311 Cr.P.C for recall of P.W.2 for further examination-in-chief, raising several contentions. But, the Trial Court dismissed the petition assigning its own reasons. Aggrieved by the said order, the present criminal revision case is filed.

But, this Court took an objection about maintainability of the criminal revision case under Section 397(2) Cr.P.C. This issue is squarely covered by the judgment of the Apex Court in **Sethuraman Vs. Rajamanickam**¹. In view of the law laid down by the Supreme Court in the above judgment, this criminal revision case is not maintainable and the criminal revision case is liable to be dismissed.

In the result, the criminal revision case is dismissed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:27.10.2017
SP

¹ 2009 CriLJ 2247