

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1758 OF 2017

ORDER:

This criminal revision case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed challenging the order dated 18.05.2017 in CrI.M.P.No.2658 of 2017 in C.C. No.40 of 2009 passed by the Additional Judicial First Class Magistrate, Narsapur, West Godavari District, whereby the learned Magistrate dismissed the petition filed under Section 311 Cr.P.C.

The only question before this court is about maintainability of the revision against the order in a petition filed under Section 311 Cr.P.C., since it is an interim order.

This question is no more *res integra* in view of judgment of the Apex Court in **Sethuraman v. Rajamanickam**¹ and another judgment in **Mohanlal Shamji Soni vs Union Of India And Another**².

In view of the law laid down by the Apex Court in the judgments referred above, no further enquiry need be required in this matter. Hence, the criminal revision case is liable to be dismissed.

In the result, the criminal revision case is dismissed.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

M.SATYANARAYANA MURTHY, J

16.08.2017
BV

¹ 2009 CrI.L.J 2247

² AIR 1991 SC page 1346