

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3107 OF 2017

JUDGMENT:

Learned Counsel, Sri A. Jagan, would submit that when a Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') questioning the very same order, dated 27.06.2017, Centralized Scrutiny Officer's Section, more particularly, the concerned Scrutiny Officer, insisted him to take back the petition on the ground that the petition under Section 482 of the Code is not maintainable and Criminal Revision Case has to be filed and that, that has been the reason why, the revision petitioner is compelled to approach this Court by invoking the provisions of Sections 397 and 401 of the Code.

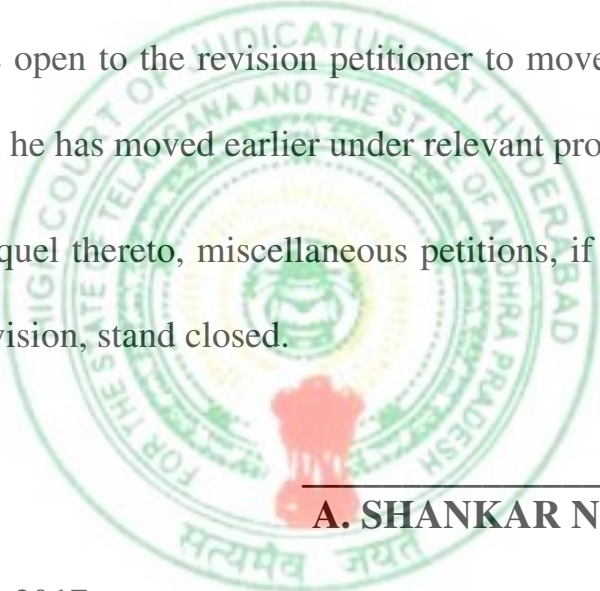
2. What is stated by the learned counsel is it correct, certainly, the Scrutiny Officer is not competent to either advise or to direct to act in a particular manner. It is for the learned counsel for the petitioner to seek appropriate relief by invoking appropriate provision of Law. In case, the Scrutiny Officer entertains any doubt as to the maintainability, the only alternative left to him is to prepare note and place it before the concerned Court enabling the learned counsel to address or tender arguments as regards maintainability.

3. Turning to the present case, the docket order, dated 28.06.2017, passed by the learned I Additional Judicial magistrate of

First Class, Warangal, is questioned, whereby and where-under, Non-Bailable Warrant was issued to the petitioner – accused on payment of process by the complainant adjourning it to 14.07.2017. From the said order, no Criminal Revision Case would arise to invoke the provisions of Sections 397 and 401 of the Code. The said order cannot be construed as the final order putting an end to the *lis* or an intermediate order.

4. The present Criminal Revision Case is, therefore, dismissed. However, it is open to the revision petitioner to move once again the petition which he has moved earlier under relevant provisions of law.

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



A. SHANKAR NARAYANA, J

December 05, 2017.

- Note:** 1. The Registry is directed to return the C.C. order under challenge to the learned counsel under due acknowledgment by substituting a photostat copy thereof.
2. Furnish C.C. of order by tomorrow.
(B/O.) Mgr