

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3063 of 2017

ORDER:

Questioning the order dated 16.11.2017 in CrI.M.P.No.230 of 2017 in CrI.M.P.No.149 of 2014 in M.C.No.224 of 2008 on the file of the Judge, Family Court, Ranga Reddy District, by which the application under Section 311 of the Code of Criminal Procedure (for short, 'the Code') filed by the wife and son to recall the wife for further examination in an application filed for enhancement of maintenance, was allowed acceding to the request of recalling the wife herself, who was examined as PW.1, for further examination and to mark certain documents, such as, the school fee receipts and medical prescriptions of the son, the present Criminal Revision Case is preferred under Sections 397 and 401 of the Code.

Heard Sri Akurathi Ramakrishna, learned counsel for the revision petitioner.

In fact, the present revision is not maintainable, in view of the authoritative pronouncement of the Honourable Supreme Court in **Sethuraman v. Rajamanickam**¹, wherein it was held that an order rejecting the application under Section 311 of the Code is an interlocutory order, against which no revision under Section 397 of the Code is maintainable. Even otherwise, touching the merits, in an application filed for enhancement of maintenance, if the wife seeks

¹ 2009 (1) ALD (CrI.) 871 (SC)

request to recall herself to mark certain documents, it cannot be said that only to fill up the lacunae, such an application is filed. Therefore, the order under challenge is on correct lines and there is no infirmity in such order.

The present Criminal Revision Case is, accordingly, dismissed.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

30.11.2017
v v

A. SHANKAR NARAYANA, J

