

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.711 OF 2018

ORDER:

Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor for respondent State and perused the record.

This petition is filed under Section 482 Cr.P.C. to quash the docket order dated 10.01.2018 in C.C.No.168 of 2012 on the file of the Judicial Magistrate of First Class, Zaheerabad, Medak District and recall P.W.1 for the purpose of further cross-examination.

In view of the decision rendered by a Full Bench of the Hon'ble Supreme Court in **Girish Kumar Suneja v. C.B.I.**¹, where a revision to the High Court against the interlocutory order of the Subordinate Court is expressly barred under sub-section (2) of Section 397 Cr.P.C., the inherent powers contained in Section 482 Cr.P.C. are not available to defeat the bar contained in Section 397(2) Cr.P.C. As per Section 397(2) Cr.P.C., the powers of revision conferred under sub-section (1) of Section 397 Cr.P.C. shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceedings. The power of this Court to entertain a revision is severely curtailed by sub-section (2) of Section 397 Cr.P.C. in respect of interlocutory orders passed in any appeal, inquiry, trial or other proceedings. When there is an express bar under sub-section (2) of Section 397 Cr.P.C., the parties cannot resort to the provisions under Section 482 Cr.P.C. to redress the grievance. The decision rendered in **Girish Kumar Suneja's** case (supra 1) holds the field. Since the

¹ AIR 2017 SC 3620

impugned order is an interlocutory order and as there is bar under Section 397(2) Cr.P.C. to file a revision against an interlocutory order, the petitioner cannot seek similar remedy under Section 482 Cr.P.C. Under these circumstances, the Criminal Petition is liable to be dismissed.

In the result, this petition is dismissed as not maintainable.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

08th February, 2018.
ssp

