

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.847 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to set aside the order dated 10.01.2018, in Criminal Revision Petition No.75 of 2017, passed by the VIII Additional Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. Heard the learned counsel for the petitioner/accused, the learned Assistant Public Prosecutor representing the respondent No.2-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that the petitioner/accused has filed a petition under Section 91(1) of Cr.P.C. to call for the phone data of the respondent No.1/complainant and the same was dismissed by the Special Magistrate Court-II at Rajendranagar, R.R. District, in CrI.M.P.No.363 of 2017 in C.C.No.303 of 2016 on 01.03.2017. Aggrieved by the same, the aforementioned revision petition is filed and the same was also dismissed. The call data of the complainant is necessary to substantiate the defence put forth by the petitioner/accused, and both the orders of the Courts below are erroneous, and ultimately prayed to pass an order calling for the call data of the mobile phone of the respondent No.1/complainant for the period from 01.01.2015 to 30.08.2016.

4. The learned Magistrate has elaborated by dealt the contentions and submissions made in Criminal M.P.No.363 of 2017 and ultimately held that the proposed call data would not help the petitioner/accused to substantiate his defence. The learned Magistrate has given reasons in

dismissing the said Criminal M.P. There is no infirmity found in the said order.

5. The learned VIII Additional Sessions Judge while dealing with Criminal Revision Petition No.75 of 2017, observed that the revision is expressly barred in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.

6. In view of the above findings, it is not appropriate to invoke the jurisdiction of this Court under Section 482 Cr.P.C. and the same is held by the Hon'ble Apex Court in **Girish Kumar Suneja v. C.B.I.**¹. Hence, the petition is devoid of merit and is also not maintainable.

7. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Date: 08-02-2018

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Dr. SHAMEEM AKTHER, J

¹ AIR 2017 SC 3620