

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6349 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C. challenging the order dated 02.08.2017 in Crl.R.C.No.128 of 2017 passed by the Principal Sessions Judge, East Godavari at Rajamahendravaram by exercising sue motto power under Section 397(2) Cr.P.C. against the order passed by the Additional Judicial First Class Magistrate, Ramachandrapuram, East Godavari District committing the case to the Special Judge, or trial of Cases under SC & ST (POA) Act-cum-X Additional District and Sessions Judge, Rajamahendravaram following the procedure under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The only grievance before the Court is that no notice was issued to the petitioner before passing order in sue motto revision and therefore, he was deprived of his right to contest the matter at appropriate stage as it is against the principles of natural justice and prayed to quash the order passed by the Sessions Court.

Section 397(1) Cr.P.C. conferred power on the High Court or any Sessions Judge and may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order,- recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record. Thus, the powers of revision conferred by sub-

section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.

Thus, the Sessions Judge is vested with the power of revision under Section 397 Cr.P.C. and exercised sue motto power within his jurisdictional limits. But such orders can be passed only after issuing notice to the parties. Therefore, the order passed by the Sessions Judge is without serving any notice on the petitioner and the same is against the principles of natural justice and consequently the same is liable to be set aside.

Accordingly, the criminal petition is disposed of setting aside the order dated 02.08.2017 in CrI.R.C.No.128 of 2017 passed by the Principal Sessions Judge, East Godavari at Rajamahendravaram and remitting the matter to the Sessions Judge with a direction to issue notice and afford an opportunity to the petitioner and pass appropriate orders in accordance with law.

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

20.06.2018
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M. SATYANARAYANA MURTHY, J