

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.8170 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C') to quash the order in CrI.R.P.No.149 of 2018, dated 03.07.2018, passed by the Metropolitan Sessions Judge at Hyderabad, on various grounds.

2. The 1st petitioner filed a petition in CrI.M.P.No.822 of 2018, under Section 243 (2) of Cr.P.C., before the XXIV Special Magistrate, Hyderabad, to receive the documents filed along with the petition after condoning the delay and mark them as exhibits. By order dated 01.05.2018, the said petition was dismissed. Questioning the said order, a revision in CrI.R.P.No.149 of 2018, under Section 397 of Cr.P.C, was preferred before the Metropolitan Sessions Judge, Hyderabad, on various grounds. The said revision was also dismissed by the Sessions Judge on 03.07.2018 confirming the order passed by the Magistrate.

3. Admittedly, the order passed by the Magistrate under Section 243 (2) of Cr.P.C is interlocutory in nature and, against the same, no revision is maintainable in view of the bar under Section 397 (2) of Cr.P.C. When an identical issue came up before the Apex Court in **Sethuraman Vs. Rajamanickam**¹, wherein, the orders passed in petitions filed under Sections 91 and 311 Cr.P.C were questioned by preferring Revisions, the Apex Court categorically

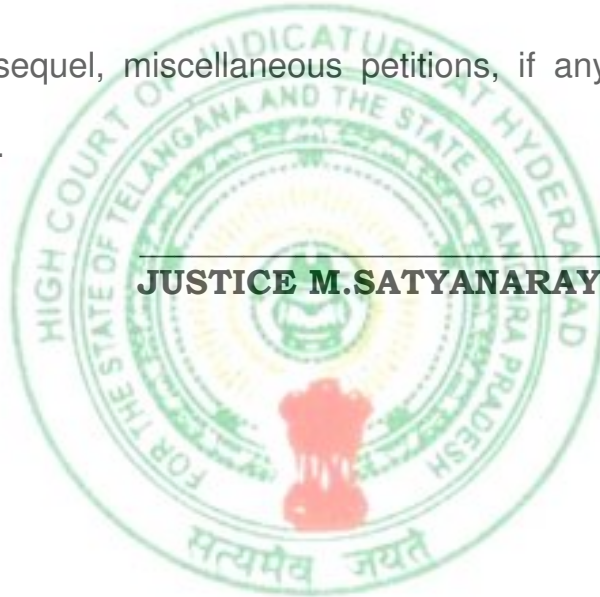
¹ 2009 CriLJ 2247

held that no revision is maintainable against an interlocutory order. Even in the case on hand, the order under challenge before the Revisional Court is an interlocutory order and, therefore, the revision is not maintainable against such an interlocutory order. However, the Sessions Judge entertained the revision and passed an order.

4. Hence, the Criminal Petition is allowed setting aside the order passed by the Metropolitan Sessions Judge in CrI.R.P.No.149 of 2018, dated 03.07.2018. However, it is open to the petitioners to workout their remedies by filing appropriate petition.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

02.08.2018
v v



JUSTICE M.SATYANARAYANA MURTHY