

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9152 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") questioning the order dated 30.07.2018 passed in Criminal Revision Petition No.192 of 2018 by the Metropolitan Sessions Judge, Hyderabad.

The petitioner herein is the accused No.2. The petitioner herein along with accused No.3 filed a petition under Section 451 of Cr.P.C. for interim custody of passports during pendency of trial/enquiry, which were seized and produced before the Magistrate pending adjudication, but the same was dismissed assigning reasons by the Magistrate.

The order passed by the Magistrate is only an interim order during pendency of main case. The order passed by the Magistrate is only interlocutory in nature, against which revision is not maintainable in view of the bar under Section 397 (2) of Cr.P.C. But the petitioner filed revision under Section 397 of Cr.P.C. before the Sessions Court and the Sessions Court also entertained the revision and passed an order affirming the order passed by the Magistrate.

Against the interlocutory order, no revision is maintainable in view of the bar under Section 397 (2) of Cr.P.C. Therefore, the impugned order is liable to be set aside.

In the result, the petition is allowed setting aside the order dated 30.07.2018 passed in Criminal Revision Petition No.192 of 2018 by the Metropolitan Sessions Judge, Hyderabad on the ground that the revision is not maintainable in view of the bar under Section 397 (2) of Cr.P.C. without setting aside the order passed in

Crl.M.P.No.1569 of 2018 in C.C.No.374 of 2016 on the file of XIII
Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad.

No costs.

The miscellaneous petitions pending, if any, shall also stand
closed.

JUSTICE M. SATYANARAYANA MURTHY

29.08.2018
Ksp

