

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9322 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") to quash the order, dated 12.07.2018, passed in Criminal Revision Petition No.92 of 2018 by the learned Special Judge for Trial of Cases under the Scheduled Casts and the Scheduled Tribes (Prevention of Atrocities) Act - cum - X Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, confirming the order, dated 01.05.2018, passed by the V Additional Judicial Magistrate of First Class, Rajamahendravarm in CrI.M.P. No.3638 of 2017 in Calendar Case No.513 of 2017, on various grounds.

One such ground is that the order dismissing the revision petition filed under Section 239 of Cr.P.C. is an interlocutory in nature, as against which, no revision is maintainable in view of the bar contained in Sub-section (2) of Section 397 of Cr.P.C. The other grounds are not relevant for deciding this issue since the learned senior counsel, Sri T. Niranjan Reddy, appearing on behalf of Sri B. Mayur Reddy, learned counsel for the petitioners, is fairly conceded that in view of the judgment of the Hon'ble Supreme Court in **V. C. Shukla v. State through C.B.I.**, a revision is not maintainable, and requested to pass appropriate order.

¹. 1980 AIR 962

Recording the submission made by the learned senior counsel, revision against the order dismissing the petition under Section 239 of Cr.P.C. is not maintainable in view of the specific bar contained in Sub-Section 2 of Section 397 of Cr.P.C. and the law declared by the Apex Court in **V. C. Shukla** (referred supra). Hence, the order, dated 12.07.2018, passed by the learned Special Judge for Trial of Cases under the Scheduled Casts and the Scheduled Tribes (Prevention of Atrocities) Act - cum - X Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, in Crl.R.P. No.92 of 2018, confirming the order, dated 01.05.2018, passed by the V Additional Judicial Magistrate of First Class, Rajamahendravarm in Crl.M.P. No.3638 of 2017 in Calendar Case No.513 of 2017, is hereby set aside, while leaving it open to these petitioners to challenge the order by appropriate proceedings.

With the above direction, the Criminal Petition is disposed of, at the admission stage itself. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Criminal Petition, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

September 04, 2018
Mgr