

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.2631 of 2018

ORDER:

This Criminal Revision Case is arising out of the Order dt.09.07.2018 in CrI.M.P.No.211 of 2018 in CrI. Appeal No.587 of 2013 passed by XIII Additional District and Sessions Judge, Rangareddy District at L.B.Nagar, Hyderabad.

Heard the petitioner, who is appearing as party-in-person by obtaining permission from the Committee. She submits that the Appellate Court, without giving any opportunity for reopening the case to file the documents, has dismissed her petition filed under Section 311 Cr.P.C. and sought to set aside the Order passed by the Appellate Court.

Learned counsel for respondent Nos. 1 to 3 submits that Criminal Appeal No.587 of 2013 has been disposed of on 16.10.2018 by the learned Appellate Court. Therefore, she cannot maintain this revision against the Interlocutory Order Dt.09.07.2018 passed by XIII Additional District and Sessions Judge, Rangareddy District, since the appeal itself has been disposed of on 16.10.2018.

The Revision petitioner seeks permission to convert this revision into an appeal, in view of the provision under Section 378(5) Cr.P.C. She referred to a judgment of this Court in the case of *M. Ravikanth Reddy v Smt M. Divya Vijaya Lakshmi* (CrI.A.No.177 of 2017, dt. 07.02.2017)

The Order of trial Court in the CrI.M.P is not suffering with any illegality or infirmity. The trial Court held that the petitioner has not described the documents which she intended to file. Even on merits, this Revision is not maintainable. The present revision is arising out of the Order dt. 09.07.2017 in CrI.M.P.No.211 of 2018 filed under Section 311 of Cr.P.C. for reopening the case to file documents in Criminal Appeal

No.578 of 2013. The learned counsel for respondent submits that Criminal Appeal No.578 of 2013 has been disposed of vide judgment dt. 16.10.2018. Therefore, CrI.M.P.No.211 of 2018 is not maintainable, as such, the Revision Petition is liable to be dismissed. The revision petitioner has to challenge the Judgment in Criminal Appeal by way of filing Appeal.

The party-in-person submitted that the revision filed now can be converted as appeal.

No doubt, the petitioner is entitled for converting the revision into an appeal if she is challenging the Judgment in appeal. But, in the instant case, the Order under challenge was an interlocutory order passed in CrI.M.P.No.211 of 2018 in Criminal Appeal No.587 of 2013. The Order under challenge in the revision under Section 311 for reopening the case to file documents. Since the Order under Section 311 Cr.P.C. is an interlocutory Order, it cannot be challenged by way of revision. Moreover, there is nothing remained in the Criminal Appeal for determination by the Appellate Court as the Appeal itself had been disposed of on 16.10.2018. After disposal of appeal, no petition pending in the appeal can be entertained, as all the interlocutory applications are deemed to have been closed.

The petitioner, if so advised, may avail appropriate remedy challenging the impugned Order passed in Criminal Appeal No.587 of 2013.

With these observations, this Criminal Revision Case is disposed of. Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

GUDISEVA SHYAM PRASAD, J

Date: 16-11-2018
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THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



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