

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10807 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/ A1 to A4, seeking to quash the proceedings in CrI.R.P.No.42 of 2018 on the file of the Metropolitan Sessions Judge, City Criminal Courts, Nampally, Hyderabad.

The petitioners herein are A1 to A4 in the private complaint filed by the 2nd respondent in CC(S.R.) No.1701 of 2017. The learned Magistrate passed orders under Section 203 Cr.P.C. by non-issuance of process and by non-taking of cognizance. Impugning the same, CrI.R.P.No.42 of 2018 filed by the complainant/ 2nd respondent herein before the learned Sessions Judge, Nampally and the same is pending therein. Notices ordered to the proposed accused/ respondents (i.e. petitioners 1 to 4 herein). Impugning that notice, the present petition is filed invoking Section 482 Cr.P.C.

A combined reading of Section 401 Cr.P.C. particularly sub-section (2) r/ w Section 399 Cr.P.C. is crystal clear that any revision shall be disposed of only after summons, appearance and opportunity of hearing to the revision respondents, even they were not parties before the lower Court.

Once such is the case, there is nothing to find fault with the order of the learned Sessions Judge in issuing notices either to appear in person or through advocate. Section 401(1) r/ w 399

Cr.P.C. is also very clear that the procedure contemplated for appeals equally apply to the revisions.

Having regard to the above, the petitioners/ A1 to A4 can appear through advocate before the learned Sessions Judge and the learned Sessions Judge need not insist their presence, if represented through advocate and decide the revision on merits.

With the above observations, the Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 03.12.2018
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Dr. B. SIVA SANKARA RAO, J

