

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3209 OF 2018

ORDER:

This revision is arising out of order, dated 08.11.2018, passed in Criminal Revision Petition No.256 of 2018 by the Metropolitan Sessions Judge, Hyderabad, in confirming the order, dated 27.06.2018 passed in CrI.M.P.No.1836 of 2018 in C.C.No.200 of 2012 by the X Special Magistrate, Hyderabad.

2. The revision petitioner is A5 in C.C.No.200 of 2012. The petitioner-complainant filed CrI.M.P.No.1836 of 2018 and other CrI.M.P.Nos.1584, 1585 and 1586 of 2018 in C.C.No.200 of 2012. The learned X Special Magistrate, Hyderabad, has passed common order in all the petitions by allowing the petitions.

3. Aggrieved by the common order, the petitioner herein-A5 preferred CrI.R.P.No.256 of 2018. The learned Sessions Judge, vide impugned order, dismissed the Revision Petition by confirming the order passed by the trial Court. Aggrieved by the same, this revision is preferred by the petitioner-A5.

4. Section 397 (3) Cr.P.C. makes a provision for the petitioner to prefer a revision either before the High Court or to the Sessions Judge. No further application by same person shall be entertained. Section 397 (3) Cr.P.C. reads thus:

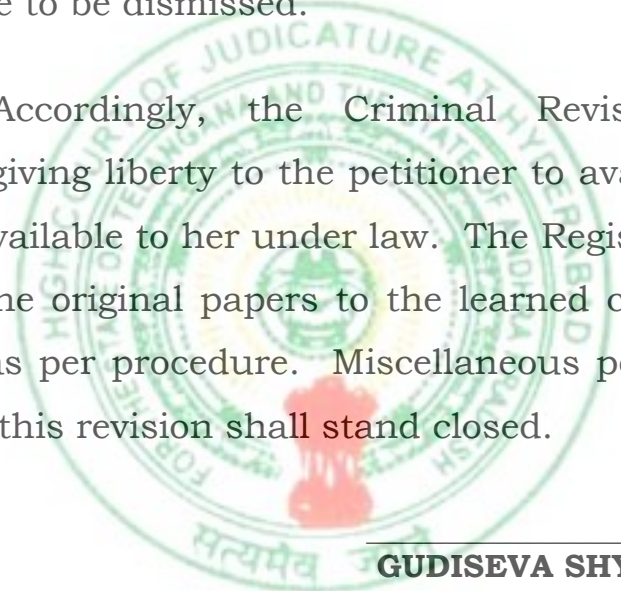
“If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them”

5. In the instant case, the petitioner has already preferred revision before the learned Metropolitan Sessions Judge. In view of the provision under Section 397 (3) Cr.P.C., the same petitioner cannot file revision before this Court. On the other hand, the order passed by the trial Court is an interlocutory order. The revision is filed under Section 397 (2) Cr.P.C., which reads thus:

“The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.”

6. In view of the foregoing reasons, the revision fails and is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed giving liberty to the petitioner to avail appropriate remedies available to her under law. The Registry is directed to return the original papers to the learned counsel for the petitioner as per procedure. Miscellaneous petitions, if any pending in this revision shall stand closed.

A large, faint, circular watermark seal of the High Court of Judicature at Hyderabad is visible in the background. It features a central emblem with a tree and a book, surrounded by text in English and Telugu. The English text reads 'HIGH COURT OF JUDICATURE AT HYDRABAD' and 'FORFEITMENT OF EMBLEM AND SEAL ACT, 1968'. The Telugu text reads 'హైదరాబాదు జిల్లా న్యాయస్థానం' and '1968'. Below the emblem, the motto 'सत्यमेव जयते' is inscribed in Devanagari script.
GUDISEVA SHYAM PRASAD, J

DATED: 27-11-2018

Hsd