

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**CRIMINAL REVISION CASE No.3396 of 2018****ORDER:**

This Criminal Revision Case is arising out of the Returned Order dt.07.12.2018 on the file of X Additional District and Sessions Judge, Gurazala, Guntur District.

The Petitioners are the accused in S.C.No.370 of 2014 on the file of X Additional District and Sessions Judge, Gurazala, Guntur District. The petitioners have filed CrI.M.P.No.681 of 2018 under Section 311 Cr.P.C. as their evidence was closed on 30.11.2018, and the matter was posted for hearing the arguments of the accused.

A perusal of the Order dt. 07.12.2018 reveals that the trial Court has returned the petition filed by the petitioners with an endorsement that A.1 to A.4 have reported that they do not have any defense evidence. It is also stated that they have failed to comply with the conditional order passed earlier. On the other hand, the very nature of the Order reveals that it was an interlocutory order.

As per Section 397 (2) Cr.P.C., no revision lies against an interlocutory order. The petitioners, instead of re-submitting the petition before the trial Court, preferred the present revision. The Order under challenge is an Order passed by the trial Court returning the petition. The petitioner may re-submit the same for consideration of the Court below.

Learned counsel for the petitioners submits that the matter was posted for judgment on 11.12.2018.

In fact, the very nature of the impugned Order dt. 07.12.2018 passed by the trial Court is an interlocutory Order and no revision lies against an Interlocutory Order. Therefore, there are no grounds for consideration in this revision. The petitioners may approach the trial Court by resubmitting their petition for consideration.

With these observations, this Criminal Revision Case is dismissed.

Miscellaneous Petition, if any pending, in this case, shall
stand dismissed.

GUDISEVA SHYAM PRASAD, J

Date: 10-12-2018

Note: Registry is directed to return material
Papers to the learned counsel for petitioners
Under proper acknowledgment.

B/o

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