

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.43547 of 2017

ORDER:

The proceedings in L/1411/2017, dated 01.12.2017 passed by the Sub-Divisional Magistrate & Revenue Divisional Officer, Malkajgiri Division/third respondent herein under Section 133 of the Criminal Procedure Code is under challenge in the present writ petition.

2. The provisions of Section 397 of the Code of Criminal Procedure read as under:

“397. Calling for records to exercise powers of revision.—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself; to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on bail or on his own bond pending the examination of the record. Explanation.— All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of section 398. (2) 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. (3) 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.”

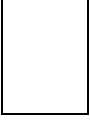
3. In view of the above provisions of law, this Court is not inclined to entertain the present writ petition in view of availability of the said alternative remedy. It is also open for the petitioner herein to raise all the contentions.

4. Writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:05.02.2018

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Dated: 05.02.2018

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