

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.168 of 2019

ORDER :

This revision is filed by the petitioners/respondents under Section 397 and 401 Cr.P.C seeking to set aside the order, dated 10.01.2019, passed in CrI.M.P.No.728 of 2017 in D.V.C. No.38 of 2017 on the file of the Judicial Magistrate of First Class, Siricilla.

2. Heard the learned counsel for petitioners and perused the material on record.

3. The subject matter is already covered by the expression of this Court in *Gaddameedi Nagamani V. State of Telengana*¹. It is needless to say the remedy is to file an appeal against the order in D.V.C. cognizance order or D.V.C. interim orders as per Section 29 of the Protection of Women from Domestic Violence Act as an efficacious remedy. In fact, the Apex Court in *State of Haryana v. Bhajan Lal*² laid down the seven guidelines which include showing of no other alternative or efficacious remedy as per clause (f) of (a to g) to maintain the quash proceedings. Here, once there is an efficacious appeal remedy provided undisputedly even to impugn for the relief sought, such order to impugn is before Court of Sessions and thus this Court is not inclined to stretch its hand to admit for quash the proceedings or even as revision petition.

¹ 2015(3) ALT (CrI.) 263

² AIR 1992 SC 604

4. In the result, the criminal petition is disposed of giving liberty to the petitioners to move the trial Court to dispense with their personal presence of all petitioners but for one by invoking Rule 37 of Criminal Rules of Practice or Section 205 Cr.P.C or Section 126(2) Cr.P.C if not dispensed with under Section 126(2) Cr.P.C of their presence to record the evidence in the presence of their advocate and in such an event, the learned Magistrate after hearing shall consider and allow the same with necessary conditions. Needless to say as the petitioners instead of filing an appeal before the Sessions Judge approached this Court, the petitioners can file appeal within one week from the date of receipt of this order, for the Sessions Court to entertain without reference to period of limitation.

5. Registry to return original papers on substitution of copies.

Miscellaneous petitions pending, if any, shall stand closed.

19th February 2019

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Dr. B. SIVA SANKARA RAO, J