



WEB COPY



C.M.P.No.13741 of 2022 in
W.A.No.768 of 2022

C.M.P.No.13741 of 2022
in
W.A.No.768 of 2022

THE HONOURABLE CHIEF JUSTICE
and
N.MALA, J

(The Order of the Court was made by The Honourable Chief Justice)

Heard on the application for clarification of the order passed in
W.A.No.768 of 2022 on 01.04.2022.

2. It is stated that the Writ Appeal was withdrawn against the order passed by the learned Single Judge on the Writ Petition filed to challenge the order passed under Section 145 Cr.P.C.

3. During the course of arguments of appeal, it was asked as to how the Writ Petition was maintainable, as otherwise the remedy is available under Cr.P.C. itself. The learned counsel for the writ appellant withdrew the Writ Appeal, with liberty to take the remedy available to them to challenge the order passed under Section 145 Cr.P.C. and pursuant to it, it is stated that now the petition has been filed under Section 482 Cr.P.C., as revision not being maintainable. Interim order was granted by the Court, but it has been



C.M.P.No.13741 of 2022 in
W.A.No.768 of 2022

vacated, in the light of the fact that the order in the Writ Petition still stands as the Writ Appeal alone was withdrawn and not the Writ Petition.

4. We find that when the order in the Writ Petition is challenged and an order is passed by the Division Bench, the order of the Single Bench would merge with the order passed by the Division Bench.

5. In the light of the aforesaid and otherwise to have a clarity on the issue, liberty to maintain the petition under Section 482 Cr.P.C. is to be decided without being governed by the order of the learned Single Judge in the Writ Petition. The liberty to maintain revision was given for the purpose of taking appropriate remedy provided under law.

6. Accordingly, the order of the learned Single Judge would not bind on the petition pending under Section 482 Cr.P.C., rather, it may be decided independently.

7. With the aforesaid, this petition is disposed of.

(M.N.B., CJ.) (N.M., J.)
02.09.2022

CS



WEB COPY



C.M.P.No.13741 of 2022 in
W.A.No.768 of 2022

THE HONOURABLE CHIEF JUSTICE

and

N.MALA, J

C.M.P.No.13741 of 2022
in
W.A.No.768 of 2022

02.09.2022