

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

: PRESENT:

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 265 OF 2019

Criminal Revision Case under Sections 397 & 401 of Cr.P.C. against the Order dated 22-01-2019 made in CrI. M.P. No.58 of 2019 in C.C. No.529 of 2017 on the file of the Court of the Special Magistrate, Errumanzil, and Hyderabad.

BETWEEN:

Lingala Vijayamma, Wife of Manohar, Aged about 67 years, Occ. Retired Government Teacher, Resident of LIGH/1, Q.No.47, B.K.Guda, Uday Nagar Colony, S.R.Nagar, Hyderabad, Telangana - 038.

... Petitioner

AND

1. P.Venkat Reddy, Son of Shambha Reddy, Plot No.24, Sai Harsha Nagar Colony, Hydershakote, Rajendra Nagar, Hyderabad, Telangana - 091.
2. The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad.

... Respondent / Respondent / Accused

IA NO: 1 OF 2019

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in C.C.No.529 of 2017 the VII Special Magistrate, Erramanzil, Hyderabad.

Counsel for the Petitioner : Sri Mir Sameer Hussain

Counsel for the Respondent No.1 : None Appeared

Counsel for the Respondent No.2 : Sri Vizarith Ali, Asst. Public Prosecutor

The Court made the following: ORDER

1

THE HON'BLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.265 OF 2019

ORDER:

The present Criminal Revision Case is filed aggrieved by the order dated 22.01.2019 passed in CrI.M.P.No.58 of 2019 in C.C.No.529 of 2017 on the file of the learned VII Special Magistrate, Erramanzil, Hyderabad (for short, "the trial Court").

2. No representation on behalf of the petitioner. Heard Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for respondent No.2 State.

3. A perusal of the record shows that there was no representation on behalf of the petitioner on 25.09.2020, 25.11.2020 and 06.11.2023. Even today also there is no representation on behalf of the petitioner. Therefore, this Court is inclined to dispose of the matter on merits.

4. The brief facts of the case are that, the trial Court, vide order dated 22.01.2019, in CrI.M.P.No.58 of 2019 in C.C.No.529 of 2017 dismissed the petition filed by the petitioner under Section 311 of Cr.P.C. seeking to re-open and re-call PW1 for the purpose of further cross-examination of PW1 stating that, the

petition is not maintainable either under law or facts as the same is filed at a belated stage, without any cogent evidence. Aggrieved thereby, the present Revision.

5. Learned Assistant Public Prosecutor would submit that this Court vide order dated 27.04.2022 in CrI.R.C (SR) No.3198 of 2022 held that as against an interlocutory order, a Revision under Section 397 of Criminal Procedure Code is not maintainable. Therefore, seeks to dismiss the Revision.

6. In view of the above, this Court is not inclined to entertain the Criminal Revision Case at this stage, as the proceedings hereunder are covered by the order dated 27.04.2022 in CrI.R.C (SR) No.3198 of 2022 passed by this Court.

7. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Special Magistrate, Erramanzil, Hyderabad
2. One CC to Sri. Mir Sameer Hussain Advocate [OPUC]
3. Two CCs to The Public Prosecutor, High Court for the State of Telangana.
[OUT]
4. Two CD Copies.

YJR

KMS

HIGH COURT

EVV, J

DATED: 05/12/2023

ORDER

CRLRC.No.265 of 2019



**DISMISSING
THE CRIMINAL RC**

7 copies

By

13/2/24