



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.232 OF 2022

Smt. Maya w/o Vasanta Kamble

..VS..

Mahadeo s/o Laxman Shahu and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.B. Walthare, Advocate for the appellant.
Shri S.C. Joshi, Advocate for the State.

CORAM: SANDIPKUMAR C. MORE, J.
DATE : 26/11/2024.

Heard the rival submissions on the aspect of maintainability of this Criminal Revision Application. Admittedly, after availing the remedy of filing Criminal Revision Application under Section 397 of the Code of Criminal Procedure ('the Code') before the concerned Sessions Court, the applicant has filed this 2nd Criminal Revision Application against the dismissal of earlier Revision Application before the concerned Sessions Court dated 08.03.2022.

2. The learned Counsel for the non-applicant nos.1 and 2 submits that 2nd Revision Application is not maintainable in view of specific bar under Section 397(3) of the Code.

3. Learned Counsel for the applicant placed his reliance on the judgment of the Madhya Pradesh High Court in the case of *Puranlal Badrilal Gupta vs. State 2007(1) Crimes 319*. However, on going through the said judgment it is evident that, the M.P. High Court has

also observed that 2nd Revision Application is not maintainable in view of Section 397(3) of the Code. However, it has been observed that remedy under Section 482 of the Code is available for challenging the earlier dismissal of 1st Criminal Revision Application can be availed, and that too, in the rearrest of the rear case.

4. The learned Counsel for the applicant, thus, made a statement that he would withdraw the present Revision Application with liberty to invoke the aforesaid remedy under Section 482 of the Code.

5. In view of the above, the present Criminal Revision Application is allowed to be withdrawn with liberty to file an appropriate proceedings as permissible by law, subject to law of limitation.

6. The Criminal Revision Application stands disposed of as withdrawn with liberty as prayed for.

(SANDIPKUMAR C. MORE, J.)

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