APHC010536412026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 1188/2026

Between:

1. KOMMOJU VENKATA PARVATEESAM, S/O GURLINGACHARI, AGED ABOUT 56YEARS, GOLD SMITH, R/O D.NO. 2-3-3, RTC COMPLEX ROAD, OPPOSITE SRI SURYA CHANDRA CHITS, PITHAPURAM, KAKINADA DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI, VELAGAPUDI,AMARAVATI, GUNTUR DISTRICT.
2. KOMMOJU RAJESWARI, W/O VENKATA PARVATEESAM, AGED ABOUT 53 YEARS,R/O PALLAPU VEEDHI, NEAR RAMALAYAM, YELESWARAM,YELESWARAM MANDAL, EAST GODAVARI DISTRICT.
3. KOMMOJU VINAYAKA VEERA VENKATA SATYA KALYAN, AGED ABOUT 20 YEARS, R/O PALLAPU VEEDHI, NEAR RAMALAYAM, YELESWARAM,YELESWARAM MANDAL, EAST GODAVARI DISTRICT

...RESPONDENT(S):

Counsel for the Petitioner:

1. KOTA KRISHNA DEEPTHI

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Revision Case has been filed under Sections 438 & 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS') challenging the interlocutory order dated 25.08.2026 in Crl.M.P.No.1448 of 2022 in M.C.No.08 of 2009 passed by the learned I Additional Judicial Magistrate of First Class, Prathipadu.

2. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. The order impugned, dated 25.08.2026, passed by the learned I Additional Judicial Magistrate of First Class, Prathipadu, in Crl.M.P.No.1448 of 2022 in M.C.No.08 of 2009, whereby an application filed by the Respondents under Section 127 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.'), seeking enhancement of maintenance, was allowed. Aggrieved by the said order, the Petitioner has preferred the present Revision Case.

4. Indeed, a revision against interlocutory order is not maintainable as per Section 397(2) of 'the Cr.P.C.' The order impugned is undoubtedly an interim order, as it merely allowed an application enhancing the maintenance to the Respondents.

5. The Hon'ble Apex Court in **Sethuraman v. Rajamanickam**[1], **Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd.**[2], **Girish Kumar Suneja v. CBI**[3], **Amar Nath v. State of Haryana**[4], the Hon'ble Apex Court held that receiving of documents, summoning of the witnesses are all interlocutory in nature and against which no revision case is maintainable.

6. In view of the law laid down by the Hon'ble Apex Court in **Sethuraman**, **Bhaskar Industries Ltd.**, **Girish Kumar Suneja**, **Amar Nath** *supra* the Criminal Revision case is not maintainable.

7. Hence, the Criminal Revision Case is disposed of. There shall be no order as to costs. Liberty is granted to the Petitioner to challenge the impugned order in appropriate proceedings, in accordance with law.

As a sequel, interlocutory applications, if any pending, shall stand closed.

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Dr. Y. LAKSHMANA RAO, J

Dt: 08.10.2026
PRA

[1](2009) 5 SCC 153
[2](2001) 7 SCC 401
[3](2017) 14 SCC 809
[4](1977) 4 SCC 137

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