

(2012) 09 KAR CK 0289

In the Karnataka High Court

Case No : Criminal Revision Petition No. 879 of 2012

Anantharaju, Mahadevaiah, Shivamma and Shantharaju

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 311, 397, 397 (2), 401
Penal Code, 1860 (IPC) — Section 304 B, 498A

Citation : (2013) ILR (Kar) 1449

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : Nalina for Sri S.K. Venkata Reddy, for the Appellant; Vijayakumar Majage, HCGP, for the Respondent

Final Decision : Dismissed

Judgement

The Hon"ble Mr. Justice A.N. Venugopala Gowda

1. Petitioners are facing prosecution for the offences punishable under Ss.498-A and 304-B IPC, in S.C. No. 256/2010, on the file of the I Additional District and Sessions Judge, Tumkur. 27 witnesses have been examined by the prosecution. Accused filed an application under S.311 Cr.P.C, to recall PW.1/complainant, father of the deceased and PW.6/mother of the deceased, for the purpose of further cross-examination. Said application was opposed by the prosecution by filing statement of objections. Learned Trial Judge passed an order of rejection. This Criminal Revision Petition filed under S.397 r/w 401 Cr.P.C, by the accused is directed against the said order. Heard Smt.Nalina, learned counsel for the petitioners and Sri Vijayakumar Majage, learned HCGP for the respondent and perused the impugned order.

2. The order under challenge was passed by the learned Trial Judge on an application filed under S.311 Cr.P.C. and is an interlocutory order. Sub-section (2) of S.397 Cr.P.C, being relevant, the same reads as follows:

S.397. Calling for records to exercise powers of revision:- (1).....

(2) The powers of revision conferred by subsection (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.

(Italicized by me for emphasis)

The impugned order being an interlocutory order, the revision petition against the said order is barred under sub-section (2) of S.397 Cr.P.C. Hence, this Criminal Revision Petition is not maintainable.

Consequently, revision petition stands dismissed.