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APHC010146952026



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

[3521]

THURSDAY, THE 9th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 326/2026

Between:

1.KARETI VENKATA VAHINI, D/O MALLEBOINA VENKATA CHANDRA SEKHARARAO, AGED ABOUT 36 YEARS, OCC WORKING AS PRINCIPAL CIVIL JUDGEJUNIOR DIVISION, R/O D.NO.11-4-17, CHENCHUPET, TENALI, GUNTURDISTRICT

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY PUBLIC PROSECUTORHIGH COURT OF ANDHRA PRADESH, AMARAVATHI.

2.KARETI MANOHAR, S/O BASAVA BABU, AGED 42 YEARS, HINDU, R/OPINAPADU, TENALI, NOW AT PHASE NO.7, MANGAMMA STREET,KUKATPALLI, HYDERABAD.

3.KARETI BASAVA BABU DIED, TENALI, NOW AT B/3, OFFICERS QUARTERS,LABBIPET, VIJAYAWADA.

4.KARETI NAGA LAKSHMI, W/O BASAVA BABU, AGED 62 YEARSHINDU, R/O PINAPADU, TENALI, NOW AT B/3, OFFICERS QUARTERS,LABBIPET, VIJAYAWADA.

5.TOLUCHURI MADHAVI RANI, W/O HARI KRISHNA, AGED 40 YEARS,HINDU, R/O MACHIKALAPUDI, DUGGIRALA MANDAL.

6.TOLUCHURI HARI KRISHNA, S/O BABU RAO, AGED 44 YEARS,

HINDU,R/O MANCHIKALAPUDI, DUGGIRALA MANDAL.

...RESPONDENT(S):

Counsel for the Petitioner:

1.J JANAKIRAMI REDDY

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

2.KOLLURU GIRIDHAR

The Court made the following:

ORDER:

The Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973, seeking to set aside the order dated 28.01.2026 passed in Crl.M.P. No.302 of 2025 in Crl.A.No.106 of 2018 on the file of the learned XI Additional District and Sessions Judge, Tenali.

2. An application was filed by the Appellant/Petitioner in Crl.A.No.106 of 2018 seeking permission to adduce additional evidence and consider the certified copies of documents filed along with the petition. The learned Appellate Court dismissed the application saying that a formal application under Section 391 of 'the Cr.P.C.,' was required, demonstrating that the evidence is essential for a just decision, was previously unavailable despite due diligence, and is not merely to fill gaps.

3. Sri J. Janaki Rami Reddy, learned counsel for the Petitioner, relied upon the decision of the Hon'ble Supreme Court in **Mohit Alias Sonu v. State**

of **Uttar Pradesh**¹, wherein at paragraph Nos.25, 28 and 32, it is held as under:

“25. In the light of the ratio laid down by this Court referred to hereinabove, we are of the considered opinion that the order passed by the trial court refusing to issue summons on the application filed by the complainant under Section 319 CrPC cannot be held to be an interlocutory order within the meaning of sub-section (2) of Section 397 CrPC. Admittedly, in the instant case, before the trial court the complainant's application under Section 319 CrPC was rejected for the second time holding that there was no sufficient evidence against the appellants to proceed against them by issuing summons. The said order passed by the trial court decides the rights and liabilities of the appellants in respect of their involvement in the case. As held by this Court in *Amar Nath* case, an order which substantially affects the rights of the accused or decides certain rights of the parties cannot be said to be an interlocutory order so as to bar a revision to the High Court against that order as contemplated under Section 397(2) CrPC.

28. So far as the inherent power of the High Court as contained in Section 482 CrPC is concerned, the law in this regard is set at rest by this Court in a catena of decisions. However, we would like to reiterate that when an order, not interlocutory in nature, can be assailed in the High Court in revisional jurisdiction, then there should be a bar in invoking the inherent jurisdiction of the High Court. In other words, inherent power of the Court can be exercised when there is no remedy provided in the Code of Criminal Procedure for redressal of the grievance. It is well settled that the inherent power of the Court can ordinarily be exercised when there is no express provision in the Code under which order impugned can be challenged.

32. The intention of the legislature enacting the Code of Criminal Procedure and the Code of Civil Procedure vis-à-vis the law laid down by this Court it can safely be concluded that when there is a specific remedy provided by way of appeal or revision the inherent power under Section 482 CrPC or Section 151 CPC cannot and should not be resorted to.

4. The learned counsel for the Petitioner vehemently contends that the valuable right of the Petitioner/Appellant/de-facto complainant has been defeated by the rejection of the application seeking to adduce additional evidence at the appellate stage. In support of this contention, reliance is placed on the decision in **Mohit** *supra*. In the said decision, the Hon'ble Supreme Court held that an order refusing to issue summons on an

¹ (2013) 7 SCC 789

application filed under Section 319 of 'the Cr.P.C.,' is an intermediate order and, therefore, is amenable to revisional jurisdiction.

5. However, the said decision is distinguishable on facts. In the present case, the order under challenge pertains to the dismissal of an application seeking permission to adduce additional evidence at the appellate stage. Such an order is purely interlocutory in nature and does not determine or affect any substantive rights of the parties. Therefore, the bar contained in Section 397(2) of 'the Cr.P.C.,' squarely applies, which unequivocally provides that no revision shall lie against an interlocutory order. In this regard, it is profitable to refer the judgments of the Hon'ble Apex Court in in **Sethuraman v. Rajamanickam**², **Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd.**³, **Girish Kumar Suneja v. CBI**⁴, **Amar Nath v. State of Haryana**⁵, 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. The coordinate bench of this Court also in **Goli Satyanarayana Reddy v. G. Mahesh**⁶, wherein at paragraph Nos.11, 12 and 21 it is held as under:

"11. Before adverting to answer the same, it is expedient to go through Sections 397(1) and 397(2) Cr.P.C. and to consider the intention of the legislation in introducing this new provision under Section 397(2) Cr.P.C. in the year 1973 and also to consider the object of the said legislation. Section 397(1) and (2) Cr.P.C. reads thus:

²(2009) 5 SCC 153

³(2001) 7 SCC 401

⁴(2017) 14 SCC 809

⁵(1977) 4 SCC 137

⁶ MANU/AP/0346/2019

"Section 397. Calling for records to exercise powers of revision. (1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and suspended, and if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

Explanation. All Magistrates whether executive or judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of Section 398.

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

(3)...."

12. A plain reading of the aforesaid Section makes it manifest that Section 397(1) Cr.P.C. enables the aggrieved parties to question the correctness, legality or propriety of any finding, sentence or order recorded or passed by the inferior court before the revisional court i.e. the High Court or the Sessions Judge as concurrent jurisdiction is conferred on the High Court and the Sessions Judge by the Section. Now, it is significant to note that Section 397 (2) Cr.P.C. mandates that the power of revision conferred by sub-section (1) of Section 397, Cr.P.C. shall not be exercised in relation to any interlocutory order in any appeal, enquiry, trial or other proceeding. Therefore, express bar is created by the legislation under Section 397(2) Cr.P.C. to entertain revision against an interlocutory order.

21. Therefore, a careful consideration of the law laid down in *Amar Nath* and *Madhu Limaye* (supra), which has introduced the concept of intermediate order or the quasi final order, shows that if an order though passed during the pendency of the trial of the case, either at the initial stage or at any stage of the trial of the case, if ultimately the said order has the effect of terminating the main proceedings of the case once for all and decides the case finally once for all and puts an end to the case, then those orders though passed during the pendency of the trial of the case, are to be construed as quasi final orders or intermediate orders against which revision is maintainable."

7. In view of the law laid down by the Hon'ble Apex Court in **Sethuraman, Bhaskar Industries Ltd., Girish Kumar Suneja, Amar Nath** and this Court in **Goli Satyanarayana Reddy** *supra* the impugned order is not an intermediate order it is only an interlocutory order. Therefore, the Criminal Revision case is not maintainable.

8. Hence, the Criminal Revisional Case is dismissed. However, liberty is granted to the Petitioner to file an appropriate application before the appropriate forum. No order as to costs.

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

Dr. Y. LAKSHMANA RAO, J

Dt: 09.07.2026
KMS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 326/2026

Date: 13.07.2026

KMS