



Sessions Court cannot Quash Magistrate's Summon Order: HC

Why in News?

- Recently, the Allahabad High Court, while hearing a review petition, said that the sessions court cannot quash the cognizance and summons order passed by the magistrate in exercise of the revisionary power.

Key Points

- A bench of Justice Shamim Ahmed passed the order while hearing a review petition filed by Prabhakar Pandey.
- The High Court said that the revision jurisdiction of the Sessions Court is very limited. If the Sessions Court finds any irregularity or error in jurisdiction while acting as a Review Court, instead of quashing the proceedings, it has the power to issue directions only by pointing out the error in the magistrate's order.
- An FIR was lodged by the complainant under sections 147, 504, 506, 427, 448, 379 of the IPC against the opposing party. The investigating officer in the case submitted a report. The magistrate then, after considering the protest petition and going through the case records, summoned the accused under Section 379 CrPC.
- The order was challenged before the District and Sessions Judge, Kannauj. The sessions court accepted the final report submitted by the investigating officer and set aside the summons order of the magistrate. Hence, Chichi filed a review petition in the High Court challenging the order of the District and Sessions Judge, Kannauj.
- The high court said that after the filing of the charge sheet, the magistrate will have four modalities and he can adopt any one of them for further action. The court has also mentioned those methods in the order. At the same time, he said that the order of the sessions court in the case was entirely based on the plea of the accused, therefore, it is not legally correct to quash the summon order of the magistrate.