IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

CRL.REV.PET NO. 286 OF 2025

CRIME NO.861/2024 OF THAMPANOOR POLICE STATION,

THIRUVANANTHAPURAM

AGAINST THE ORDER DATED 28.10.2024 IN CMP NO.5198 OF 2024

OF JUDICIAL MAGISTRATE OF FIRST CLASS-III,

THIRUVANANTHAPURAM

REVISION PETITIONER/PETITIONER/2ND ACCUSED:

MAHESH M
AGED 52 YEARS
S/O MANIYAN, TC. 76/336, VADAVOOR VEEDU,
ANAYARA P.O THIRUVANANTHAPURAM, PIN - 695029

BY ADVS.
G.RANJU MOHAN
M.SANTHI (K/868/2011)
PYARIN B. KURUVITHADAM
THEERTHA NAIR A.P.

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

BY ADV. SRI.M.P. PRASANTH, PP

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This Criminal Revision Petition has been filed challenging the order passed by the Judicial First Class Magistrate Court-III, Thiruvananthapuram in an application under Section 497 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 [Section 451 of the Criminal Procedure Code (Cr.P.C.)].

2. The learned Public Prosecutor, Sri. M. P. Prasanth has raised an objection that the revision is not maintainable. The learned Public Prosecutor has relied on a decision of the Single Bench of this Court in ***Yadav Agencies (P) Ltd. v. Philomina*** *[1985 KHC 124]* , in which it is held that the revision under Section 397 of Cr.P.C. is not maintainable against an order passed under Section 451 of Cr.P.C. Hence, this Criminal Revision Petition is dismissed without prejudice to the right of the petitioner to challenge the impugned order in accordance with law.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

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APPENDIX OF CRL.REV.PET 286/2025

PETITIONER'S ANNEXURES

Annexure A1	**THE CERTIFIED COPY OF THE ORDER IN C.M.P.NO.5198/2024 IN CRIME NO.816/2024/2023 DATED 28-10-2024**

RESPONDENT'S ANNEXURES: NIL