



Crl.O.P.No.29110 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.10.2025

Coram :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29110 of 2025 and
Crl.M.P.No.19737 of 2025

N.V.Devi

... Petitioner

Vs.

The State Represented by its,
Deputy Superintendent of Police,
District Crime Branch, Thiruvarur.
(Crime No.14 of 2006)

... Respondent

Criminal Original Petition filed under Section 528 of BNSS, to call for the records and set aside the order dated 01.08.2025 in Crl.R.P.No.7 of 2025 passed by the learned Principal District and Sessions Judge, Tiruvarur, confirming the order dated 31.12.2024 in Crl.M.P.No.983 of 2023 passed by the learned District Munsif and Judicial Magistrate, Needamangalam.

For Petitioner : Mr.M.Sathya Kumar

For Respondent : R.Vinothraja,
Govt. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 01.08.2025 in Crl.R.P.No.7 of 2025 passed by the learned



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Principal District and Sessions Judge, Tiruvarur, confirming the order dated 31.12.2024 in Crl.M.P.No.983 of 2023 passed by the learned District Munsif-cum-Judicial Magistrate, Needamangalam.

2 Learned counsel appearing for the petitioner would submit that the petitioner is A1, who is facing trial in C.C.No.147 of 2011 for the offences under Sections 408 of IPC @ 420, 465, 467, 468, 477(A) IPC @ 120(b), 406, 408, 465, 468, 471, 477(A), 420 & 34 of IPC. The petitioner had filed a petition under Section 239 Cr.P.C. in Crl.M.P.No.983 of 2023 seeking discharge. The learned District Munsif-cum-Judicial Magistrate, Needamangalam, without properly appreciating the materials, had dismissed the petition, vide order dated 31.12.2024, against which, the petitioner had preferred a revision in Crl.R.P.No.7 of 2025 and the learned Principal District and Sessions Judge, Tiruvarur, without appreciating the available materials on record, vide order dated 01.08.2025 dismissed the revision confirming the order passed by the learned District Munsif-cum-Judicial Magistrate, Needamangalam. Hence, the present petition is filed.



3 Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

4 The petitioner, who is A1, is facing trial in C.C.No.147 of 2011 for the offence under Sections 408 of IPC @ 420, 465, 467, 468, 477(A) IPC @ 120(b), 406, 408, 465, 468, 471, 477(A), 420 & 34 of IPC. She had filed a petition under Section 239 Cr.P.C. seeking discharge and the learned Magistrate, finding that there are materials available against the petitioner for framing charges, had dismissed the same, against which, the petitioner also preferred revision, which was also dismissed. Hence, the petitioner is before this Court.

5 It is well settled that when a revision petition has already been preferred before the Court of Session under Section 397 Code of Criminal Procedure and the same has been dismissed, a subsequent petition under Section 482 Cr.P.C. before the High Court challenging the very same order would, in substance, amount to a second revision, which is specifically



barred under Section 397(3) Cr.P.C. The inherent powers of this Court under Section 482 Cr.P.C. cannot be invoked to circumvent such a statutory bar.

6 The Hon'ble Supreme Court, *in Madu Limaye vs. State of Maharashtra, (1977) 4 SCC 551, Krishnan vs. Krishnaveni, (1997) 4 SCC 241 and Rajathi vs. C.Ganesan, (1999) 6 SCC 326*, has categorically held that the inherent powers of High Court cannot be exercised as a substitute for a second revision. Only in cases where the impugned order results in a manifest miscarriage of justice or abuse of process of Court, the inherent jurisdiction may be exercised in exceptional circumstances.

7 In the present case, having gone through the materials, no such exceptional circumstance is made out, warranting interference under Section 482 Cr.P.C. Therefore, this petition being a second revision in disguise, is not maintainable and is liable to be dismissed on that ground alone.

8 At this juncture, the learned counsel for the petitioner would submit that the petitioner is a lady aged about 60 years and her presence before the trial Court may be dispensed with.



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9 In view of the above submissions, the presence of the petitioner

before the trial Court is dispensed with except that the petitioner shall appear before the Magistrate for framing of charges, questioning under Section 313 Cr.P.C. and for judgment and whenever the presence of the petitioner is required for progress of trial. In the event of the petitioner's non appearance before the Court, the learned Magistrate shall issue warrant of arrest.

10 With the above observations and directions, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition stands closed.

27.10.2025

Neutral Citation : Yes / No

Speaking Order : Yes / No

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To

1. The Principal District and Sessions Judge, Tiruvarur.
2. The District Munsif and Judicial Magistrate, Needamangalam.
3. The Deputy Superintendent of Police, District Crime Branch, Thiruvarur,



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A.D.JAGADISH CHANDIRA, J.,

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