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Crl.O.P.No.33137 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.33137 of 2025
and Crl.M.P.No.23142 of 2025

P.Senthil Kumar

... Petitioner

Vs.

Tamilselvi

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 22.09.2025 made in Crl.R.C.No.5 of 2025, on the file of the learned Principal District and Sessions Judge, Perambalur, confirming the order dated 13.06.2025 made in Crl.M.P.No.787 of 2025 in S.T.C.No.2512 of 2019, on the file of the learned Judicial Magistrate No.I, Perambalur.

For Petitioner : Mr.J.Jayan

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the learned Principal District and Sessions Judge, Perambalur, dated 22.09.2025, in Criminal Revision No.5 of 2025.



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2. The brief facts of the case are as follows:-

2.1. The complaint under Section 138 of the Negotiable Instruments Act, 1881, was filed by the respondent/complainant against the petitioner before the learned Judicial Magistrate No.I, Perambalur, in S.T.C.No.2512 of 2019.

2.2. A petition in M.P.No.787 of 2025 in S.T.C.No.2512 of 2019, filed by the petitioner/accused under Section 311 Cr.P.C., seeking to examine four defence witnesses, was dismissed by the learned trial Judge, vide order dated 13.06.2025, holding that the petition had been filed only to drag the proceedings.

2.3. Against the dismissal of the said petition, a revision was preferred by the petitioner/accused before the Principal District and Sessions Court, Perambalur, in Criminal Revision No.5 of 2025. The learned Judge, finding that no reasons have been stated by the petitioner as to how the witnesses are relevant to prove his case, dismissed the same, vide order dated 22.09.2025. Challenging the same, the present petition has been filed by the petitioner/accused.

3. Learned counsel appearing for the petitioner submitted that it is necessary for the petitioner to examine the defence witnesses to prove his



innocence. However, the Courts below, without taking into consideration the same, dismissed the petition. Hence, he prayed to set aside the order dated 22.09.2025.

4. Having heard the learned counsel appearing for the petitioner and on perused the materials available on record, this Court finds that the complaint is pending from the year 2019 and that the petition filed under Section 311 Cr.P.C. was dismissed by the trial Court since the witnesses are not necessary to arrive at a just decision in the case and the same was also confirmed by the revisional court. This Court also finds that there is no infirmity or illegality in the order passed by the trial Court.

5. It is well settled that a revision petition ought to be preferred before the Sessions Court under Section 397 of Cr.P.C. Once the revision is 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) of Cr.P.C. The inherent powers of this Court under Section 482 Cr.P.C. cannot be invoked to circumvent such a statutory bar. However, in certain exceptional circumstances, this Court can entertain a petition filed under Section 482 Cr.P.C.



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6. But, in the present case, no such exceptional circumstance has been made out warranting interference under Section 482 Cr.P.C. Therefore, the present petition, being in the nature of a second revision, is not maintainable and is liable to be dismissed.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is also closed.

04.12.2025

Neutral Citation: Yes/No
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A.D.JAGADISH CHANDIRA, J.

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