



CRL RC(MD)No.812 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.812 of 2025

Santhosh

... Petitioner / Respondent /
Accused No.1

Vs.

1.The State,
Rep. by its
The Inspector of Police,
DCB, Police Station,
Sivagangai,
Sivagangai District.
(Crime No.05/2025)

... Respondent / Petitioner /
Complainant

2.G.Aravind

... 2nd Respondent

*(R-2 is suo-motu impleaded as per order of the Court
dated 08.07.2025 in Crl.RC(MD)No.812 of 2025)*

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records of the order passed in Crl.M.P.No. 988/2025 dated 16.06.2025 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District, in Crime No.5 of 2025 of the file of the respondent police and set aside the same.

For Petitioner : Mr.S.Muthu Malai Raja

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

For R-2 : Mr.S.Srikanth



CRL RC(MD)No.812 of 2025

ORDER

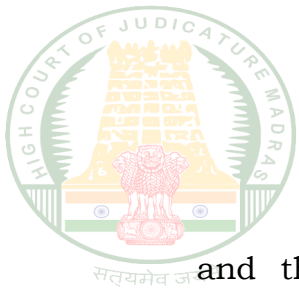
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Challenging the order passed by the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District, dated 16.06.2025, in CrI.M.P.No. 988 of 2025 in Cr.No.5 of 2025, this Criminal Revision case is filed.

2. The petitioner herein is the accused in crime No.5 of 2025. He was enlarged on Bail. The State had filed an application seeking to cancel the Bail which was already granted in favour of the accused by the order of the learned Principal Sessions Judge, Sivagangai, in CrI.M.P.No.988 of 2025, dated 22.05.2025, and the same was allowed. Challenging the same, this Criminal Revision case is filed.

3. When the matter came up for hearing, the learned counsel for the petitioner submitted that without giving him an opportunity of hearing, the same came to be allowed, and hence, the matter should be remanded back for fresh hearing.

4. Per contra, the learned counsel appearing for the *defacto complainant* submitted that cancellation of bail is an interlocutory order



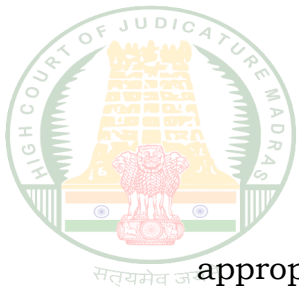
CRL RC(MD)No.812 of 2025

and the Criminal Revision case is not permissible as against an interlocutory order. Hence, he questioned the maintainability of the Criminal Revision case, and on that premise, pressed for dismissal of the Criminal Revision case.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. This Court, by an order dated 12.05.2023, in Cr1.RC(MD)No.6 of 2023, had dealt with a similar case and had held that the impugned order being a cancellation of bail, is an interlocutory order, and in view of the specific bar under Section 373, 97(2) of the Code of Criminal Procedure, 1973, the Criminal Revision case is not legally maintainable.

7. Fully fortified by the above order, I hereby dismiss this Criminal Revision case, making it clear that an application for cancellation of bail is an interlocutory order and hence, the impugned order passed by the learned Principal Sessions Judge, Sivagangai, cannot be challenged by way of a Criminal Revision case. The petitioner is at liberty to work out his remedy in the manner known to law in an



CRL RC(MD)No.812 of 2025

appropriate forum and not before this Court by filing revision case invoking revisional power of this Court under Section 397 r/w 401 of the Criminal Procedure Code, 1973.

8. In view of the above, this Criminal Revision case is dismissed.

No costs.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Judicial Magistrate No.II,
Sivagangai, Sivagangai District,
2. The Inspector of Police,
DCB, Police Station,
Sivagangai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High
Court, Madurai.



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CRL RC(MD)No.812 of 2025

L.VICTORIA GOWRI, J.,

Sml

CRL RC(MD)No.812 of 2025

21.08.2025