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CRL RC No. 494 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

CRL RC Nos.494 & 561 of 2026

AND

CRL MP NOS. 3788 OF 2026 & 4260 OF 2026

1. A.Rajaraman
S/o.Annadurai, 156, Nehru Street,
(Upstairs of Rasi Ever Silver Store)
Tindivanam - 604 001. Villupuram.

Petitioner(s) in both Crl.RCs

Vs

1. Anbumalar
D/o.Elangovan, No.72, New No.10/52,
Rajaji Street, Tindivanam-604001.
Villupuram.

Respondent(s) in both Crl.RCs.

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PRAYER

Criminal Revision filed under Section 438 r/w 442 of B.N.SS Act, 2023, praying to call for the entire records pertaining to Crl.M.P.85 of 2026 in C.C.71/2016 on the file of the Honourable Judicial Magistrate No.I, Tindivanam and to set aside the common order passed by the Honourable Judicial Magistrate No.I, Tindivanam in Crl.M.P.85 of 2026 in C.C.71/2026 and to allow the petition and permit the Revision Petitioner to examine the said Venkatesan within the time frame fixed by this Honourable Court.



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CRL RC No. 561 of 2026

PRAYER

Criminal Revision filed under Section 438 r/w 442 of B.N.SS Act, 2023, praying to call for the entire records pertaining to Crl.M.P.No.86 of 2026 in CC.No71/2016 on the file of the Honble Judicial Magistrate No.I, Tindivanam and to set aside the common orders passed by the Honourable Judicial Magistrate No.I, Tindivanam in Crl.M.P.No.86 of 2026 in CC.No.71/2016 and to allow the petitioner and to order the reopening of the Revision Petitioners side evidence so as to examine additional witness.

For Petitioner(s): Mr.A.K.A.RAHMAAN

For Respondent(s): Ms.ANBUMALAR
P-IN-P

COMMON ORDER

The present Revisions have been filed by the petitioner/accused aggrieved with the orders of the learned Judicial Magistrate I, Tindivanam in CMP.Nos.85 & 86 of 2026 by and in which the petitioner sought for reopen the defence evidence and to call one Venkatesan to examine as a defence witness.

2.Heard Mr.A.K.A.Rahmaan, learned counsel for the petitioner and Ms.Anbumalar, party appearing in person.

3.Mr.A.K.A.Rahmaan, learned counsel for the petitioner would vehemently contend that this petitioner has not all borrowed any loan. However,



taking advantage of the cheque given by this petitioner as a security towards the loan of one Mr.Arumugam, this false case was filed. To demonstrate such defence, it becomes essential to examine one Mr.Venkatesan, who is the complainant in the other case, where Mr.Arumugam is an accused [C.C.No.85 of 2017], and would further submit that in the above case, a video footage was examined by a forensic expert and was found to be genuine. He would further submit that mere examination of one more witness will in no way delay the proceedings, and that while allowing this application, this Court may fix any time limit to complete the trial. Hence, prayed to allow these Revision Cases.

4.Per contra, Ms.Anbumalar, party-in-person who appeared through virtual mode would submit that this case is pending since 2015 and for one reason or the other, the petitioner has been delaying the trial, besides there is no nexus between this case and the case which was filed by one Mr.Venkatesan. Hence, prayed to dismiss these Revision Cases.

5.I have given my anxious consideration to either side submissions.

6.Before we delve into the factual matrix, this Court deems it appropriate to set out the contours and the scope of the Criminal Revision.



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(a).The Section 397 Cr.P.C vests this Court with a power to call for and examine the records of the inferior Courts for the purpose of satisfying itself as to the legality and regularity of any proceedings or order made in a case.

(b).The very object of this provision is to set right a patent defect or an error of jurisdiction or law. In order to invoke the Revisional jurisdiction, there has to be a well founded error and it may not be appropriate for the Court to scrutinise the orders, which upon the face of them bear a token of careful consideration and appear to be in accordance with law.

(c).In order to invoke the Revisional jurisdiction, the decisions under challenge should be grossly erroneous and with total non compliance with the provisions of law.

(d).The Revisional Court may also exercise its power when the findings recorded is based on no evidence or when the material evidence was ignored or when the judicial discretion was exercised arbitrarily or perversely.

(e).It is also relevant to mention that the Revisional jurisdiction cannot be exercised in a routine manner.



In this regard, it is useful to refer the judgment of the Hon'ble Supreme Court in

Amit Kapoor Vs. Ramesh Chander and others reported in **(2012) 9 SCC 460**.

7.While looking into the orders of the Trial Court, it appears that the case is of the year 2016, and the same is at the stage of Argument. It seems that the complainant has already filed written arguments and only at that stage, these applications had emerged. Though the learned counsel for the petitioner would submit that Mr.Venkatesan is to be examined, this Court vide order dated 19.09.2025 made in Crl.RC.No.1532 of 2025 has permitted this petitioner to get the certified copies in the form of pen drive and DVD of C.C.No.85 of 2017 and can mark the documents along with the genuineness certificates. If really the petitioner wanted to examine Mr.Venkatesan on the defence side, he would have filed an application well in advance at that stage itself, as the forensic report is dated 20.06.2024.

8.Apart from that, while looking into the factual aspects, the said Mr.Venkatesan and Mr.Arumugam are not the party to the present proceedings. Therefore, even for argument sake, if we construe that the petitioner's argument may have force, the same by itself will not make the order of the learned Trial Judge as perverse, as the finding of the learned Magistrate is a plausible and



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reasonable finding. Admittedly, these applications have been filed after a period of 10 years, as the complaint is of the year 2016. Therefore, this Court absolutely does not find any infirmity in the order of the learned Judicial Magistrate.

9. Accordingly, both the Criminal Revision Cases are dismissed.
Connected Crl.MPs are also closed.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Judicial Magistrate Court,
Tindivanam.



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C.KUMARAPPAN J.

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