



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-06-2026**

CORAM

**THE HON'BLE MR JUSTICE C. SARAVANAN**

**CRL A No. 34 of 2021**

State Represented By Its  
Inspector Of Police, Crime Branch CID,  
Perambalur District,  
(Perambalur DCB Cr.No.01/1996).

..Appellant(s)

Vs

1. Udayakumar, S/o.Sankaran,  
No.27, Madhulankollai Street,  
Woraiyur, Trichy-3.
2. Kalaiselvan, S/o.S.Ramanath,  
No.72, Nehru Street, Jeeva Nagar, Trichy-8.
3. Karthikeyan, S/o.Rajalingam,  
13, Lalbagadur Street, Anna Nagar,  
Madurai-20.
4. Selvaraj, S/o.Adaikappan,  
Adaikalamkathan Koil Street,  
Neikuppai, Sivagangai District.
5. Umapathy, S/o.Jeyarama Muthaliyar,  
No.44, Ramanujamkoodan Street,  
Poonamallee, Chennai.

..Respondent(s)

**PRAYER:** Criminal Appeal is filed under Section 378(i) of Cr.P.C, praying to set aside the judgment and acquittal judgment passed by the learned Sessions Judge, Mahila Court, Perambalur in C.A.No.10 of 2019 dated 31.10.2019 and convict the respondents / Accused [A-2 to A-6] for the offences under Section 120(b) IPC r/w.409, 408, 471, 477 (A) IPC to A2, A3 and 120(b) IPC r/w 409 r/w 109, 414 IPC.



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For Appellant(s):

Mr.M.Mohamed Riyaz,  
Government Advocate (Criminal Side)

For Respondent(s):

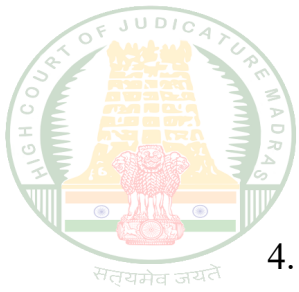
Ms.M.Jisriga for R1 (Legal Aid Counsel)  
Mr.S.Sathyaraj for R2 & R3  
Mr.S.Karthikeyan, for R4 & R5

### **JUDGMENT**

This Criminal Appeal has been filed against the judgment of acquittal passed by the learned Sessions Judge, Mahila Court, Perambalur in C.A.No.10 of 2019, dated 31.10.2019, seeking to set aside the acquittal and convict the respondents / accused (A2 to A6) for the offences under Section 120(b) IPC read with Sections 409, 408, 471 and 477 (A) IPC as against A2 and A3, and Section 120(b) IPC read with Section 409 read with Section 109 and Section 414 IPC as against A4 and A5.

2. Heard the learned Government Advocate (Criminal Side) appearing for the appellant and the learned counsel appearing for the respondents.

3. An objection regarding the maintainability of the appeal has been raised by the learned Government Advocate (Criminal Side) for the appellant, primarily on the ground that there is no scope for entertaining a second appeal against an order of the Appellate Court rejecting an appeal against the judgment of the Trial Court. ‘



4. It is submitted that the respondents were acquitted by the Trial Court.

Thereafter, an appeal filed by the State before the learned Principle District Judge, Perambalur, was later transferred to the learned Sessions Judge, Mahila Court, Perambalur, where the said appeal was also dismissed.

5. It is further submitted that there is no scope for a second appeal, particularly in light of Section 378 (1)(b) Cr.P.C. The learned counsel for the respondents also drew the attention of this Court to the decision of the Full Bench of the Punjab and Haryana High Court rendered on 27.02.1958 in ***State vs. Mansha Singh Bhagwant Singh***, reported in ***1958 AIR (P&H) 233***, wherein, while dealing with Section 417 of the Cr.P.C 1898, it was observed as follows:-

*“It is significant to note that Criminal Procedure Code does not provide for a second appeal in Criminal Cases”.*

6. It is submitted that the said judgment has not been dissented from so far. At this stage, the learned Government Advocate (Criminal Side) submitted that the Registry may be directed to convert the present Criminal Appeal into a Criminal Revision under Section 397 read with Section 401 of the Cr.PC.

7. Accordingly, in light of the above submissions and the decision of the Punjab and Haryana High Court in ***State vs. Mansha Singh Bhagwant Singh***,



this Criminal Appeal stands closed with the above direction. The Registry is directed to renumber the same as a Criminal Revision under Section 397 read with Section 401 of the Cr.P.C.

**15-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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To

1. The learned Sessions Judge,  
Mahila Court, Perambalur.
2. The Public Prosecutor  
High Court, Madras.



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**C.SARAVANAN, J.**

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