

WEB COPY

Crl.R.C.SR.No.6357 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

<b>Reserved on</b>	13.03.2026
<b>Pronounced on</b>	07.04.2026

CORAM

**THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN**

Crl.R.C.SR.No.6357 of 2026

Jayaraman Mahavishnu

... Petitioner

Vs.

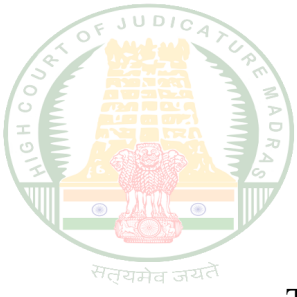
State, by Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.

(Cr.No.429 of 2024 u/s.279, 338, 304-A of IPC)

... Respondents

**PRAYER :** Criminal Revision filed under Sections 438 r/w 442 of BNSS., to set aside the conviction and sentence imposed on the petitioner in the judgement dated 26.06.2025 made in Criminal Appeal No.54 of 2024 passed by the Court of II Additional District and Sessions Judge, Tirpuur, confirming the judgement dated 21.12.2023 made in C.C.No.338 of 2019 passed by the Court of District Munsif cum Judicial Magistrate, Uthukuli.

For Petitioner : Mr.P.Sathyanathan



WEB COPY

Crl.R.C.SR.No.6357 c



## ORDER

The Registry has raised objections with regard to the numbering of the second revision and returned the same on 06.02.2026 with the following endorsement:-

*“It may be stated as to how the second revision will lie before this Hon’ble Court.”*

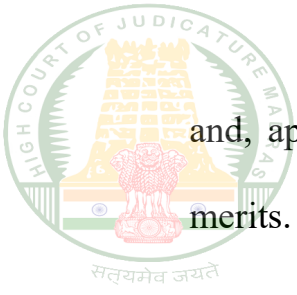
2. The same was represented by the petitioner on 10.02.2026 with the following endorsement:-

*“All objections complied and represented.*

*The petitioner filed Crl.R.C.No.1490 of 2025 and the same has been dismissed as withdrawn on 28.08.2025. The Crl.R.C.No.1490 of 2025 has not decided on merit as it is only dismissed as withdrawn. Hence, this Crl.R.C. is maintainable.”*

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The main ground urged by the learned counsel for the petitioner is that the earlier revision was only dismissed as withdrawn and therefore, the petitioner is entitled to file the present revision. It is his further submission that the principle of res judicata is not strictly applicable to criminal proceedings

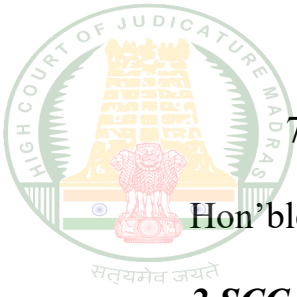


and, apart from that, the earlier order of this Court was not rendered on merits.

WEB COPY

5. I have given my anxious consideration to the submissions made by the learned counsel for the petitioner.

6. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in *Muskan Enterprises Vs. State of Punjab*, reported in (2024) 20 SCC 85, wherein the Hon'ble Supreme Court, after elaborately considering various aspects, held that the principle of res judicata, traceable to Section 11 CPC, does not apply to criminal proceedings and that there is no provision in the Cr.P.C. akin to Order XXIII Rule 1(3) CPC. The Hon'ble Supreme Court further held that merely because no leave was granted to file a fresh appeal, the same would not debar the petitioner from preferring a second revision. The learned counsel has also relied upon the judgment of the Hon'ble Division Bench of the Orissa High Court in *Ramachandra Puja Panda Samant Vs. Jambeswar Patra and another*, reported in 1975 SCC OnLine Ori 100, wherein it was held that the bar of a second revision was confined only to cases where the earlier criminal revision had been dismissed on merits.



7. In this regard, it is also appropriate to refer to the judgment of the Hon'ble Supreme Court in *Poonam Chand Jain Vs. Fazru*, reported in (2010) 2 SCC 631, wherein the Hon'ble Supreme Court, after referring to the judgment in *Pramatha Nath Talukdar Vs. Saroj Ranjan Sarkar*, reported in AIR 1962 SC 876, held that even a second complaint is maintainable in exceptional circumstances. Further, in *Jatinder Singh Vs. Ranjit Kaur*, reported in (2001) 2 SCC 570, it was held that dismissal of the first complaint for default would not operate as a bar for entertaining the second complaint.

8. Therefore, this Court is of the firm view that, since there was no adjudication on merits in the earlier revision, and the same was dismissed as withdrawn, the present second revision is maintainable. Hence, the Registry is directed to number the same, if it is otherwise in order and post the Criminal Revision for admission.

07.04.2026

kv

Index : Yes  
Speaking order  
Neutral Citation : Yes



WEB COPY

Crl.R.C.SR.No.6357 c



To:

1. The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.
2. The II Additional District and Sessions Judge, Tirpuur.
3. The District Munsif cum Judicial Magistrate, Uthukuli.
4. The Public Prosecutor, High Court of Madras.



WEB COPY

Crl.R.C.SR.No.6357 of 2026



**C.KUMARAPPAN, J.**

kv

**Pre-Delivery Order in  
Crl.R.C.SR.No.6357 of 2026**

**07.04.2026**