

IN THE COURT OF THE III ADDITIONAL DISTRICT JUDGE,
TIRUCHIRAPPALLI.

Present : Thiru.B.Saravanan, B.Sc., B.L.,
III Additional District Judge,
Tiruchirappalli.

Monday, the 29th day of June 2026

Crl.Rev.No.45/2025
and
Crl.M.P.No.4141/2025

Musthafa,
aged 42 years,
S/o.Ameer John,
188, Kuthbisha Nagar,
Tennur, Tiruchy Dt.

...Revision Petitioner/1st Accused

Vs.

State of Tamil Nadu represented by
Inspector of Police,
Sessions Court Police station,
Trichy.
Cr.No.56/2016.

... Respondent/Complainant

This Criminal Revision petition and Crl.M.P. were coming up before me on 15.06.2026 for final hearing in the presence of Thiru.J.Kaja Moideen, Advocate for the Revision Petitioner/ 1st Accused, and of Thiru A.Anandan the learned Additional Public Prosecutor appearing for the State and upon perusing the petition and documents on record and upon hearing the arguments of both side, having stood over the consideration till this day, this court delivers the following,

COMMON ORDER

1) The Revision Petitioner/ 1st Accused has filed this revision petition u/s 399 of Cr.P.C/438 of BNSS against the order passed by the Learned Judicial Magistrate

No.II at Tiruchirappalli in Cr.M.P. 15485/2024 in C.C.1183/2019 by dismissing the petition filed by the 1st accused u/s 91 and 243 (2) of Cr.P.C and he has also filed Crl.M.P.No. 4141 of 2025 to stay all the further proceedings until the disposal of the main revision petition. By consent of both parties, main revision itself is taken up for final disposal along with the stay petition.

2) The relief sought for before the Trial Court in Cr.M.P. 15485/2024 in C.C.1183/2019 by the revision petitioner was to issue summons for production of the documents under section 91 of Cr.P.C, by the Senior Administrative officer of Trichy to produce the complaint given one Gurunathaprabhu, which was stated to be enquired before the DLSA, Trichy in L.A.No.30/2016 and by Record Keeper of Central Record, Trichy to produce main petition, amended petition and final order in HMGOP No.1/2015 dated 10.08.2015 on the file of I ADJ Court, Trichy and also by Secretary, Bar Counsel of Chennai, to produce complaint given by one Gurunathaprabhu against Advocate V.Swaminathan. The same was dismissed by the learned Magistrate vide his order dated 06.08.2025. Against the same the present criminal revision petition was filed.

3) The learned counsel appearing for the Revision Petitioner/ 1st Accused has submitted that the relief sought for therein was to issue summons for production of the documents under section 91 of Cr.P.C to produce the complaints enquired into by the DLSA and Bar Council of Tamil Nadu for establishing defence version. Unless the said order is set aside and the petitioner is granted the relief sought for therein, the

revision petitioner would be put to serious loss and much hardship and he prayed to allow the revision petition.

4) The learned Additional Public Prosecutor appearing for the Respondent/Complainant has argued that the trial court has correctly decided the above petition and there is no merits in this revision petition. He further submitted that the revision petitioner has filed similar petition before the trial court and the same was also dismissed by the learned trial judge and Criminal Original petition filed by the revision petitioner before the Hon'ble Madurai Bench of Madras High Court under Crl.O.P.No.2830/2024 was also dismissed. Hence, he prayed that this revision petition may be dismissed.

5) Initially, the petitioner/ revision petitioner side press for stay order, during the course of the enquiry in Cr.M.P. 4141/2025 namely stay petition, this court has raised a query, as to whether a Criminal revision petition is maintainable against the interlocutory order that too after the dismissal of Crl.O.P.No.2830/2024, by the Hon'ble High Court. Hence, the maintainability of this revision petition has to be decided along with the stay petition.

6) Heard both side and perused the records.

7) The point for consideration is whether Criminal revision petition is maintainable as against the order passed by the Judicial Magistrate in a petition filed under Section 91 that too after the dismissal of Crl.OP.No.2830/2024 by the Hon'ble

High Court? and as to whether the stay petition is liable to be allowed or not?.

8) **In A.V. Anbu chezhan V. Ambikadass Crl.R.C.No.1016 of 2008** dated 24.6.2010 wherein Hon'ble Madras High Court after relying the following decision has held as follows:

... the Honourable Supreme Court in the decision reported in **2009(2) Crimes 1 (SC) (Sethuraman Vs. Rajamanickam)** has held as follows

“ 4. Secondly, what was not realized was that the order passed by the trial Court refusing to call the documents and rejecting the application under Section 311 Cr.P.c., were interlocutory orders and a such, the revision against those orders was clearly barred under Section 397(2) Cr.P.c..... Therefore, both the orders, i.e., one on the application under Section 91 Cr.Pc. For production of documents and other on the application under Section 311 Cr.P.c. for recalling the witness, were the orders of interlocutory nature, in which case, under Section 397(2), revision was clearly not maintainable.”

9) As per the dictum of Hon'ble Apex court in **Sethuraman Vs. Rajamanickam** reported in **2009(2) Crimes 1 (SC) referred supra**, rejecting the application filed under Section 91 and 311 Cr.P.C./340 BNSS, by the Learned Judicial Magistrate were of interlocutory orders and the revision against that order was clearly barred under Section 397(2) Cr.P.C/Section 440(3) BNSS. The same was followed in **Saravanan and another Vs State rep by Inspector of Police, W8,Thirumangalam AWPS.** in Crl R. C. No. 501/2022 dated 23.06.2022. Hence, this

court did not have power to entertain Criminal Revision against the impugned interlocutory order passed in Section 91 Cr.P.C. petition in Cr.M.P.No.15485/2024 dated 06.08.2025. Hence, the Criminal Revision itself is not maintainable.

10) Further, on perusal of records it is found that the revision petitioner has also filed a similar petition before the trial court in Crl.M.P.No.27537 of 2023 and the same was also dismissed by the learned J.M.No. II, Trichy on 13.12.2023, against which a Criminal Original petition was filed by the revision petitioner, before the Hon'ble Madurai Bench of Madras High Court under Crl.O.P.No.2830/2024. The same was dismissed by the Hon'ble High Court on 12.12.2025. Hence, this revision petition is not maintainable under law. Hence, the Criminal revision petition and stay petition are liable to be dismissed.

11) **In fine,**

This Criminal Revision petition is dismissed. Consequently, connected stay petition in Crl.M.P.No. 4141/2025 is also dismissed.

Dictated to the stenographer and she directly typed in my computer, pronounced by me in the open court on this the 29th day of June 2026.

**III Additional District Judge
Tiruchirappalli.**