



State of Tamilnadu  
In the Court of Sessions, Tenkasi Division  
Before the Principal Sessions Judge, Tenkasi.  
PRESENT: THIRU. B.RAJAVEL, B.SC., B.L.,  
Principal Sessions Judge, Tenkasi  
Thursday the 05<sup>th</sup> day of March 2026  
**Cr1.R.C.3/2026**  
**CNR.No.TNTS010004402026**

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State: The Inspector of Police,  
Alangulam P.S  
Cr.No.246/2025  
P.R.C.105/2025

.. Complainant

*Versus*

1. Esakkimuthu, S/o Rasaiah  
2. Karuthapandi, S/o Rasaiah

.. Accused

(Against the committal order in P.R.C. No.105 of 2025 Dated: 02.12.2025 on the file of the Judicial Magistrate, Alangulam)

**ORDER**

This Criminal Revision Case is taken up suo moto against the committal order dated 02.12.2025 passed by the learned Judicial Magistrate, Alangulam in P.R.C. No.105 of 2025.

The accused present before this Court pursuant to the said committal order. The committal records have been called for and perused. The case arises out of Crime No.246 of 2025 registered by Alangulam Police Station for the offences under Sections 296(b), 132 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1)(a) of the Arms Act, 1959. The core allegations, as borne out from the FIR and final report, are that the accused were found in a public place near Shiva Temple, Maranthai, allegedly carrying long swords; that they threatened the police officers; and that they stated they intended to take revenge for their brother's murder. It is not the prosecution case that the weapon was used. The allegation is confined to possession and threat.

A careful examination of the final report and the materials placed before the committal Court shows that none of the above offences are exclusively triable by a Court of Session. The offences under Sections 296(b), 132 and 351(3) of the Bharatiya Nyaya Sanhita are triable by a Judicial Magistrate of First Class. Similarly, the offence under Section 25(1)(a) of the Arms Act is also triable by a Magistrate of First Class. Under Section 232 of the Bharatiya Nagarik Suraksha Sanhita, 2023, a Magistrate is empowered to commit a case to the Court of Session only when the offence is exclusively triable by the Court of Session. In the absence of any Sessions-triable offence, committal of the case is unwarranted and without jurisdiction.

In the present case, since the ingredients of any offence exclusively triable by a Court of Session are absent and the weapon is not alleged to have been used, the committal made by the learned Judicial Magistrate, Alangulam is contrary to the statutory mandate and amounts to an improper exercise of jurisdiction.

This Court, in exercise of its revisional jurisdiction to prevent miscarriage of justice and to correct jurisdictional error, is of the considered view that the committal order dated 02.12.2025 made in P.R.C. No.105 of 2025 is liable to be set aside. Accordingly, the committal order dated 02.12.2025 in P.R.C. No.105 of 2025 on the file of the Judicial Magistrate, Alangulam is hereby set aside. The matter is remitted back to the learned Judicial Magistrate, Alangulam with a direction to take the case on file and proceed in accordance with law, as the offences are triable by a Court of Judicial Magistrate of First Class. The accused shall appear before the learned Judicial Magistrate, Alangulam on or before 24.03.2026. Registry is directed to transmit the records forthwith to the learned Judicial Magistrate, Alangulam along with a copy of this order.

Pronounced in open court, this the 05<sup>th</sup> day of March 2026.

PRINCIPAL SESSIONS JUDGE,  
TENKASI.

Copy to:-  
The Judicial Magistrate, Alangulam.