



Criminal Revision

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Criminal Revision

In Criminal law, justice requires not only fair trials but also mechanisms to correct judicial errors. One such mechanism is Criminal Revision – a special power vested in higher Courts to ensure that lower Courts have acted within their authority and according to law.

First of all, it is to be remembered that Criminal Revision is not an appeal; it is a supervisory jurisdiction of higher Courts to prevent miscarriage of justice. An appeal can be preferred on completion of trial unless statute provides any special authority.

397/399 | 115 Cr.P.C

Revisional jurisdiction is narrower.

❑ **Shiv Shakti Cooperative Housing Society vs. Swaraj Developers (2003)**

Chandu S/O Jagannath Ambekar and Anr. vs. Digambar S/O Kisanrao Kulkarni and Ors

Appeal

After conclusion of trial.

Reference

When usually Sessions Court is not fully satisfied about the correctness and legality or constitutionality of a decision or two contradictory decisions, it refers the matter to the High Court for its opinion or guidance. For final decision it is done by Court itself.

Revision

During the pendency of the proceeding.

Who can file a Revisional Application

A revision petition may be filed by:

Accused

The complainant

Victim

Even the State through the
Public Prosecution

Court can take revision on
its own motion if it comes
to the notice of Court that a
serious illegality is involved

Grounds for Criminal Revision

A revision lies only on questions of law or procedural error, not on re-evaluation of evidence.

Limitation on Revisional Power

Revisional power is limited. (Section 397(2) of Cr.P.C / S.438(2) of BNSS)

Categorically, no revision lies against:

- 1 Interlocutory orders
- 2 Orders of adjournment
- 3 Orders permitting amendment or procedural orders
- 4 The same party filing the same matter again (S.397(3) Cr.P.C / S.438(3) BNSS) – Second revision is not maintainable

Power of Revisional Court

Under Section 401 of Cr.P.C the High Court may:

01

Reverse or alter the finding, sentence, or order

03

Enhance or reduce the sentence after giving the accused an opportunity to be heard

02

Order retrial if the findings are illegal

04

Exercise any power that a Court of Appeal can exercise

But if the accused has been acquitted, the Revisional Court cannot convert acquittal into conviction (that can be done only by a Trial Court).

Additional Sessions Judge shall have and may exercise all the powers of the Revisional Court for cases transferred to them by the High Court order.

Difference Between Appeal and Revision



Basis	Appeal	Revision
Right	A statutory right	Discretionary power of Court
Scope	Re-examination of facts and law	Only legality and propriety
Who Files	Party aggrieved	Party or Court <i>suo motu</i>

Court's Power

POWERS &

Court's Power	Result
Cannot re-appreciate evidence	Cannot re-appreciate evidence
May lead to reversal of decisions	Corrects jurisdiction or procedural errors

Filing of Revision

1

Revision petition may be filed before Sessions Court or High Court

2

To correct the error of jurisdiction or illegality in lower court proceeding

3

To prevent miscarriage of justice

4

To maintain uniformity and regularity in criminal judicial proceedings

Who exercises **Revisional Power**

- 1 High Court
- 2 Court of Sessions
- 3 Both courts can act on their own motion, i.e., **suo motu**

Revision is a supervisory remedy.

How the Court exercises power

1. It ensures that the lower court acted within its legal limits and justice is properly administered.
2. Making verified copies of relevant orders/judgements is necessary.
3. Specific grounds of illegality or irregularity should be pleaded in petition.
4. Court should give notice to the other side if it is admitted and court finds merit.
5. On hearing, a court should pass specific order.

Practical Importance

It is an important safeguard against—



Arbitrary actions of lower court



Misuse of judicial power



Failure or miscarriage of justice when no appeal lies



With an object to maintain the Rule of Law and judicial discipline in Criminal administration

Important case law with regard to scope of Revision

Case Laws

1

Kailash v. Rameshchander (2012) 5 SCC 460

Revision should be exercised only when there is patent illegality or grave miscarriage of justice.

2

State of Kerala vs. Puttumana Illath Jathavedan Namboodiri (1999) 2 SCC 452

Revision cannot be used to re-appreciate evidence like an appeal.

3

Madhu Limaye vs. State of Maharashtra (1977) 4 SCC 551

Explained what constitutes an interlocutory order under 397(2) Cr.P.C.

- Meaning of Final Order – State of M.P. vs. Ram Pratap 1975 Cr.LJ 1048
- Power of Sessions Judge – can be exercised in same manner as High Court (S.399 Cr.P.C; S.401(1) Cr.P.C)
- Ratilal Bhanji vs. The State of Maharashtra 1988 Cr.LJ 1459
- State of Bihar vs. Dodekarn Nandlal (1983) Cr.LJ 537

1

Delay can be condoned if sufficient cause is shown

Alim Singh Thakur vs. State of Gujarat (1981) 4 SCC 205.

2

Revisonal application should not be disposed without hearing

If absence of pleader's advocate is unavoidable. If necessary, court may afford advocate legal aid.

Review of Criminal Courts

An examination of the principles governing review and revision in criminal proceedings under the Criminal Procedure Code.



Review of Criminal Courts

No Self-Review Power

Court cannot review its own order or judgement by the same court to correct an error apparent on the face of the record.

No Express Provision

Criminal Procedure Code does not expressly provide any general power of review in criminal matters.

Limited Correction Only

P.N. Eswara Iyer vs. Registrar, Supreme Court (1980) 4 SCC 680 – Cr.P.C allows correction of clerical or arithmetical errors; otherwise, review is not permitted.

Scope is very narrow:

- Question of re-appreciation of evidence or reconsideration of findings does not arise.
- There is no right to seek review in criminal court.

Key Precedent

State of Kerala vs. M.M. Manikantan Nair (2001) 4 SCC 752

Supreme Court held that no criminal court has power to review its judgement once signed, except to correct clerical or arithmetical errors under S. 362 of Cr.P.C.

Revision against dead accused:

- Recording of conviction against a dead accused, who had died before the conviction, is an error and such error can be removed after judgement.
- S.362 Cr.P.C is no bar.
- Ram Ishwar Chowdhury v. State of Bihar 1986 CrLJ 1136.

Understanding Revision

Meaning of Criminal Revision

Supervisory Jurisdiction

A supervisory jurisdiction given to higher courts (Sessions Court/High Court).

Ensures Legal Boundaries

Ensures that lower courts act within the boundaries of law.

Corrects Errors

Used to correct jurisdictional mistakes, procedural irregularities, or patent illegalities.

Legal Check

Not a rehearing of the case, but a legal correctness check.



Nature of Revisional Jurisdiction

○ Discretionary Power

Not a statutory right like an appeal; it is discretionary.

○ Legal Focus

Focuses only on the *legality, propriety, and correctness* of orders or proceedings.

○ No Re-appreciation

Does **not** allow re-appreciation or re-evaluation of evidence.

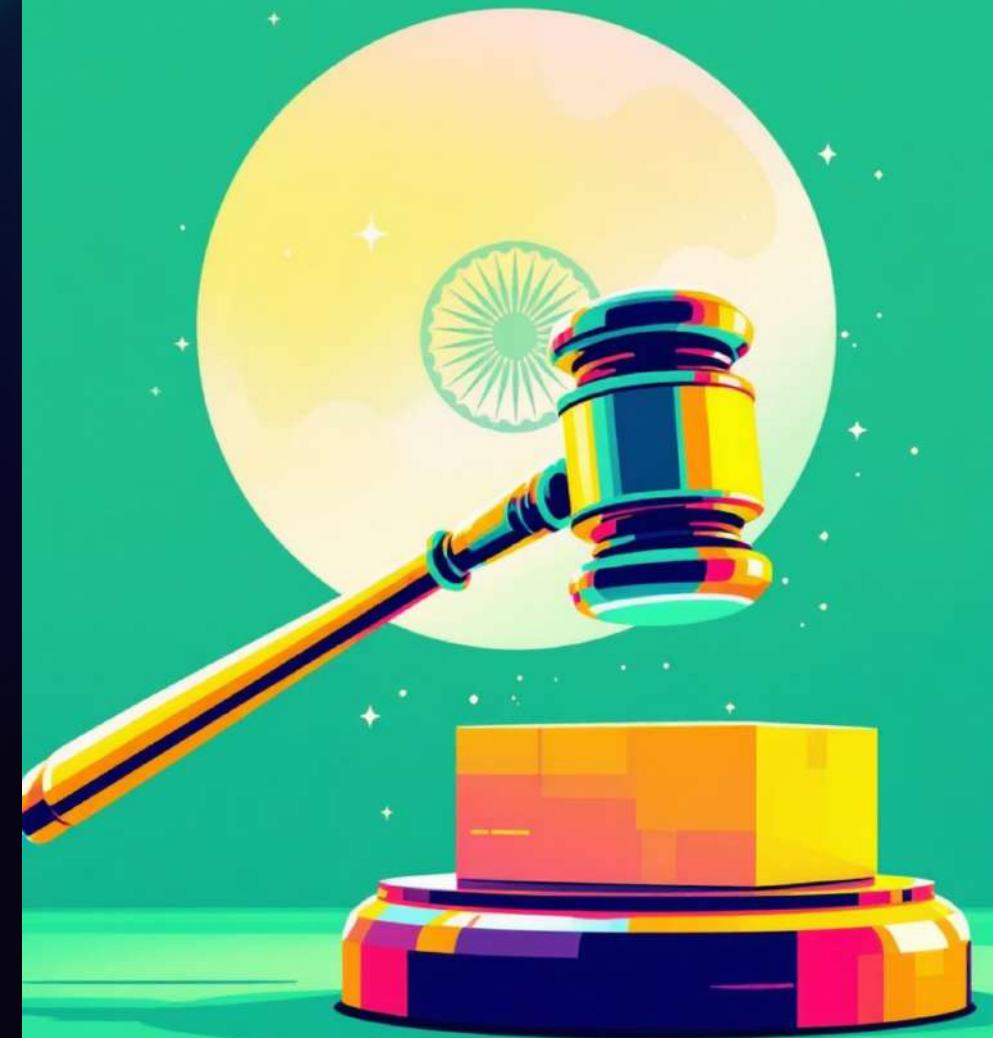
○ Narrow Scope

Scope is narrower than appeal; only glaring errors can be interfered with.

Why It Matters

Purpose of Criminal Revision

- To correct jurisdictional errors (where court acted beyond or failed to exercise its power).
- To prevent miscarriage of justice arising from serious irregularities.
- To maintain uniformity, judicial discipline, and uphold the rule of law.
- Acts as a protective mechanism when no appellate remedy exists.



Who Can File Revision



Accused, Complainant, or Victim

Accused, complainant, or victim of the case.



State

State through the Public Prosecutor.



Court Itself

Court itself can initiate revision *suo motu* if illegality comes to its notice.

Ensures that any stakeholder can trigger correction of injustice.

Process Overview

Filing and Procedure

01

Submission

Submitted before the Sessions Court or the High Court under Sections 397-401 CrPC.

02

Grounds

Petition must clearly state grounds of illegality, impropriety, or jurisdictional error.

03

Record Call

Court may call for the record of lower court proceedings.

04

Notice

If revision is admitted, the opposite party is issued notice.

05

Orders

After hearing, the revisional court passes specific corrective orders.

Powers of Revisional Court

- May **reverse, modify, or set aside** findings, sentences, or orders.
- Can direct **retrial** or fresh inquiry.
- May **enhance or reduce** the sentence (after giving accused an opportunity).
- Has powers similar to an appellate court, except converting acquittal to conviction.
- Ensures justice without conducting a full re-hearing of the case.

Limitations on Revisional Power

- No revision lies against **interlocutory orders** (purely temporary or procedural).
- Court cannot review entire evidence or reassess facts like an appellate court.
- **Second revision** by the same party is barred (S.397(3) CrPC).
- Cannot convert an acquittal into conviction, though it may order retrial.
- Used sparingly to prevent overstepping or misuse.

Practical Importance

Acts as a safeguard against arbitrary or illegal actions of lower courts.

Essential where **no appeal lies** but injustice has occurred.

Helps prevent abuse of judicial power and ensures fairness in procedure.

Maintains public confidence by correcting serious errors at an early stage.

Review vs Revision



Review

Criminal courts generally *cannot* review their own judgments (S.362 CrPC).

- Only clerical or arithmetic errors can be corrected.

Revision

Higher courts examine legality and propriety of lower court decisions.

- Revision does *not* allow revisiting evidence or changing factual findings.

Review is extremely limited; revision is a supervisory control mechanism.

Important Case Laws



Kailash v. Rameshchander (2012)

Revision used only for patent illegality or grave injustice.



Puttumana Illath Namboodiri (1999)

Revisonal court cannot re-appreciate evidence.



Madhu Limaye (1977)

Clarified meaning of "interlocutory order" under 397(2).



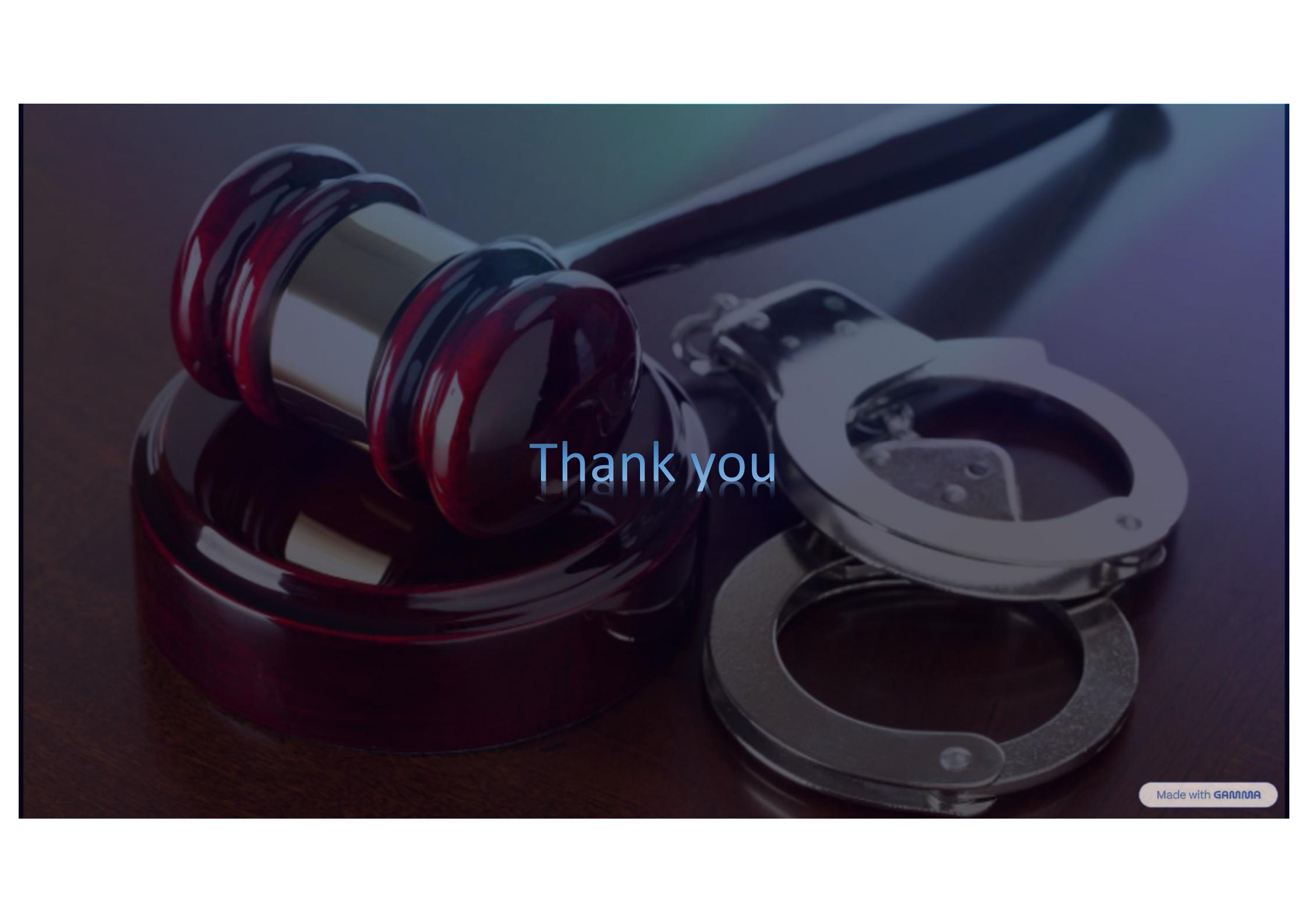
State of Kerala v. M.M. Manikantan Nair (2001)

No review power in criminal courts after signing judgment.



Ram Ishwar Chowdhury (1986)

Error in convicting a dead accused can be corrected even after judgment.



Thank you