

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Crl.MC.No. 4278 of 2014 ()

C.M.P. NO.1 OF 2014 IN S.T. NO.94 OF 2013 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, KAYAMKULAM

PETITIONER(S)/COUNTER PETITIONER:

ARAVINDAKSHAN D.
S/O.DAMODARAN, KOVILAKAM VEETIL, CHAVARA P.O.
KOLLAM.

BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.A.K.RAJESH
SRI.VENKATESH GOPI

RESPONDENT(S)/PETITIONER AND STATE:

1. G.KARTHIKEYAN
PANTHAPLAVIL THEKKATHIL, PUTHUPPALLY P.O., KAYAMKULAM
KARTHIKAPPALLY TALUK-695522.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

R1 BY ADV. SRI.DIPU.R
R1 BY ADV. SRI.SANAL P.RAJ
R1 BY ADV. SRI.M.LIJU
R1 BY ADV. SMT.DHANYA BABU
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4278 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF THE COMPLAINT IN ST NO.94/2013 OF THE JFCM,
KAYAMKULAM DT.19-6-2012.

ANNEXURE B: TRUE COPY OF THE DEPOSITION OF R1 IN ST 94/2013 OF JFCM,
KAYAMKULAM DT.25-1-2014.

ANNEXURE C : TRUE COPY OF THE B DIARY IN ST 94/2013 OF JFCM,
KAYAMKULAM.

ANNEXURE D : TRUE COPY OF THE CMP 13/2014 IN ST 94/2013 OF JFCM,
KAYAMKULAM DT.27-1-2014.

ANNEXURE E : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN CMP
13/2014 IN ST 94/2013 OF JFCM, KAYAMKULAM DT.12-2-2014.

ANNEXURE F : TRUE COPY OF THE ORDER IN CMP 13/2014 IN ST 94/2013 OF
JFCM KAYAMKULAM DT.20-5-2014.

ANNEXURE G : TRUE COPY OF THE COMPLAINT IN ST 95/2013 OF JFCM,
KAYAMKULAM DT.19-6-2012.

ANNEXURE H : TRUE COPY OF THE B DIARY IN ST 95/2013 OF JFCM,
KAYAMKULAM.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.4278 of 2014**  
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Dated this the 3rd February, 2015

ORDER

The petitioner herein is aggrieved by the order passed by the Judicial First Class Magistrate's Court-II, Kayamkulam on 20.5.2014 in C.M.P. No.13 of 2014 allowing joint trial of two prosecutions brought under Section 138 of the Negotiable Instruments Act. On the application of the complainant in the two proceedings, the learned Magistrate allowed the request for joint trial under Section 219 of Cr.P.C. The petitioner does not explain how he will be prejudiced, if the two cases are tried jointly. The offence under Section 138 of the Negotiable Instruments Act is a statutory offence, which does not involve much procedure as in the case of a regular trial. The parties in both the prosecutions are the same. Finding that joint trial will do justice to the parties, the learned Magistrate allowed the request for joint trial. The petitioner does not explain how he is aggrieved by the order, or how he will be prejudiced by such a joint trial. I find that the

petitioner will not be prejudiced by the joint trial of the two prosecutions.

In the result, this Crl.M.C is dismissed.

Sd/-

**P.UBAID
JUDGE**

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/True copy/

P.S to Judge