

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 6435 of 2015

**C.C.NO.119/2012. C.C.NO.254/2011, C.C.NO.69/2012, C.C.NO.26/2012 AND
C.C.NO.40/2012 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM**

PETITIONER(S)/ACCUSED :

**SEBASTIAN P. JOHN,
S/O.JOHN, PLAMTHOTATHIL HOUSE, PAZAHARIKANDIM,
KANJIKKUZH, IDUKKI.**

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S)/STATE AND COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. INSPECTOR OF POLICE, CBI/ACB/KOCHI,
REPRESENTED BY STANDING COUNSEL FOR CBI,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

**R1 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
R2 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Crl.M.C No.6435 of 2015

Dated this the 2nd day of November, 2015

ORDER

Petitioner is arrayed as accused in C.C.Nos.40/2012, 69/2012, 119/2012, 26/2012 and 254/2011 on the files of the Chief Judicial Magistrate, Ernakulam.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the CBI.

3. According to the prosecuting agency (CBI) some of the cases should be transferred to the Court of the Chief Judicial Magistrate, Thiruvananthapuram because the offence had taken place in the territorial jurisdiction of that court. Now, the matter is pending before the learned Chief Judicial Magistrate, Ernakulam. The petitioner makes the following prayers in this petition:-

“Hence in the interest of justice it is most respectfully prayed that this Hon'ble Court may be pleased to direct the Chief Judicial Magistrate Court, Ernakulam to conduct joint trial in C.C.No.119 of 2012 which arose from R.C.21(S)/2010/CBI/ACB/Kochi, CC No.254 of 2011

arise from RC 18(S)/2010/CBI/ACB/Kochi, CC No.26 of 2012 arose from RC 29(S)/2010/CBI/ACB/Kochi, CC No.40 of 2012 arose from RC 28(S)/2011/CBI/ACB/Kochi, and CC No.69 of 2012 arose from RC 26(S)/2011/CBI/ACB/Kochi, pending on its files.”

4. Learned counsel for the petitioner submitted that disputes which gave rise to the registration of the crime are monitory disputes. Some of the cases have been settled between the defacto complainants and the petitioner. Further, common questions of law also arise in all these cases. Only on account of the fact that the cause of action in some of the cases had arisen within the territorial jurisdiction of the Court of Chief Judicial Magistrate, Thiruvananthapuram, the cases have to be transferred to that court .

5. The learned counsel for the petitioner submitted that the petitioner will be put to prejudice if he is directed to answer identical charges in two different courts. Instead of trying of all these cases in two different courts in the interest of justice, it will be convenient to try them in one court.

6. The learned standing counsel for the CBI opposed the contention. However, considering the nature of the allegations against the petitioner, I am of the view that the prayer in the petition can be allowed to meet the ends of justice.

Hence the petition is allowed. C.C.Nos.40/2012, 69/2012,119/2012, 26/2012 and 254/2011 on the files of the Chief Judicial Magistrate, Ernakulam shall be tried and disposed of by the Chief Judicial Magistrate, Ernakulam .

Sd/-

A. HARIPRASAD, JUDGE

//True Copy//

P.A. To Judge

dlk/3/11/