

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

Coram

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

Criminal Revision Case No. 513 of 2009
& M.P.No.1 of 2009

1. M/s. Thiruvancore Raja Vaidya Salai (P) Ltd.,
rep. by its Managing Director,
Dr.P.Vijayakumar
2. Dr.P.Vijayakumar
Managing Director,
M/s. Thiruvancore Raja Vaidya Salai (P) Ltd.,
... Petitioner/Accused

Versus

T.T.Suresh
... Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the dismissal order dated 15.05.2009 made in M.P.No.1025 of 2009, in C.C.No.12546 of 2003, on the file of the II Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : Mr. R.Vijayaraghavan

For Respondent : No Appearance

ORDER

The revision petitioners are the accused in C.C.No.12546 of 2003, on the file of the II Metropolitan Magistrate, Egmore, Chennai. The accused filed a petition in M.P.No.1025 of 2009 under Section 219 of Cr.P.C., seeking a joint trial in all the 10 cases filed by the respondent, as the parties are one and the same. The said petition had been dismissed by the court below on the ground that the cheques issued are on different dates and for different cause of action, there is no necessity to have joint trial.

2. Learned counsel appearing for the petitioners/accused would submit that the court below had erroneously dismissed the petition filed for cross examination and joint trial and failed to note that in order to avoid multiplicity of proceedings the aforesaid petition had been filed. Since both the parties are one and the same, it would very easy for the Court below to complete the proceedings.

3. Though notice was ordered on 03.06.2009, there was no appearance on behalf of the respondent. In view of judgment of the Hon'ble Apex reported in (2013) 3 Supreme Court Cases 721, K.S.Panduranga vs. State of Karnataka and in the light of the principles culled out in the said judgment this Criminal Revision case is decided on merits.

4. From the perusal of the order made in M.P.No.1025 of 2009 in C.C.No.12548 of 2003, there were 8 complaints and out of same, only three complaints have been taken on file and the remaining five are pending investigation. At this stage, the petitioner has come up with the above petition, seeking for joint trial. As rightly pointed out by the court below all the cases were at different stages and it is quite impossible for the court to do a simultaneous trial. Hence, the petition filed by the petitioners herein has been rejected. I do not find any illegality or infirmity in the order passed by the court below. In the result, this Criminal Revision case is dismissed. It is seen that the case is pending from 2009 and for the past six years no progress has been made. Hence, the petitioners/Accused are directed to co-operate for the early disposal of the trial proceedings. Consequently, connected miscellaneous petition is closed.

smi

Sd/-
Assistant Registrar(Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The II Metropolitan Magisterial,
Egmore, Chennai.
2. The Chief Metropolitan Magistrate,
Egmore, Chennai

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Cr1 R.C. No. 513 of 2009

KM(CO)
sd : 07/10/2015