



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Criminal Original Petition (MD) No.14165 of 2015
and
M.P (MD) No.1 of 2015

1. Deepavaliraj
2. Perumal
3. Ilayaraja
4. Mahendran
5. Ganesan
6. Kubendran
7. Ilangovan
8. Senthil
9. Rajaram
10. Kalyani
11. Kalyani @ Kalyanakumar
12. Murugeswari
13. Selvam
14. Kalyanasundaram
15. Karnan
16. Mathi
17. Ayyankalai
18. Baskaran
19. Kanniah
20. Veerammal
21. Ponnumayakkal
22. Petchiammal
23. Kalichiyammal (died)

... Petitioners/Accused 1 to 22

Vs.

1. State,
Rep. by the Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.104/2013)

.. Respondent / Complainant

2. Selvam

.. Respondent/ Defacto-Complainant

PRAYER: This petition is preferred under Section 482 Cr.P.C, praying this Court, to direct the learned Additional District and Sessions Judge, Mahila Court, Theni to try the case in S.C.No.3 of 2015 along with the case in P.R.C.No.43 of 2014 pending committal on the file of the learned Judicial Magistrate, Uthamapalayam and pass such further or other orders, as this Court may deem fit and proper in the circumstances of the case.



ORDER

The petitioners approach this Court to direct the learned Additional District and Sessions Judge, Mahila Court, Theni to try the case in S.C.No.3 of 2015 along with the case in P.R.C.No.43 of 2014 pending committal on the file of the learned Judicial Magistrate, Uthamapalayam.

2. The petitioners are alleged to have committed an offence under Sections 147, 148, 323, 324, 336, 341, 307 r/w. 149 IPC and Section 4 of TNPWH Act and Section 3(1) of TNPPDL Act. It is stated by the petitioners that they are innocent.

3. It appears that the case has been pending against the petitioner in S.C.No.3 of 2015. The petitioner's complaint is pending in P.R.C.No.43 of 2014 on the file of the learned Judicial Magistrate, Uthamapalayam. It is also submitted that both the cases are case in counter. Therefore, the learned counsel submitted that it would be appropriate to have joint trial in the interest of justice.

4. The case is pending in P.R.C.No.43 of 2014 on the file of the learned Judicial Magistrate, Uthamapalayam. Therefore, at this stage, this Court is not inclined to order for joint trial. It would be suffice to direct the Judicial Magistrate, Uthamapalayam to complete the committal in P.R.C.No.43 of 2014 within a period of two months and after the same is done, it is open for the petitioner to file a fresh petition seeking permission to conduct joint trial.

5. Accordingly, the Criminal Original Petition stands disposed of. Accordingly, connected Miscellaneous Petition is closed.

sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Additional District and Sessions Judge, Mahila Court, Theni.
- 2.The Judicial Magistrate, Uthamapalayam.
3. The Inspector of Police, Uthamapalayam Police Station, Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to Mr.D.Rameshkumar, Advocate in SR.NO.41955

Cr1.O.P(MD).No.14165 of 2015
and

M.P(MD)No.1 of 2015
05.06.2015