



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.07.2015
CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.R.C.(MD)No.226 of 2015

and

M.P(MD)No.1 of 2015

M.B.Rajkumar : Revision Petitioner/Petitioner

Vs.

S.Mohan : Respondent/Complainant
(in C.C.No.7 of 2012)

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure against the order passed in Crl.M.P.No.345 of 2014, dated 21.01.2015 on the file of the Chief Judicial Magistrate, Madurai and set aside the same.

For Petitioner : Mr.D.Saravanan
For Respondent : Mr.R.Manimaran

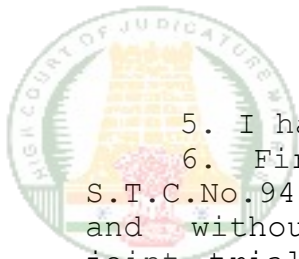
ORDER

The petitioner is the accused in C.C.No.7 of 2012 on the file of the learned Judicial Magistrate No.II(Fast Track Court No.II), Madurai. He filed Cr.M.P.No.345 of 2014 before the learned Chief Judicial Magistrate, Madurai, requesting the learned Chief Judicial Magistrate to withdraw C.C.No.7 of 2012 from the file of the learned Judicial Magistrate No.II, Madurai and make over the same to the file of the learned Judicial Magistrate No.I, Madurai for joint trial along with S.T.No.164 of 2012 and S.T.C.No.945 of 2012. That petition was dismissed by the learned Chief Judicial Magistrate, by order dated 21.01.2015. Challenging the same, the petitioner is before this Court, with this Criminal Revision Case.

2. I have heard the learned counsel on either side and perused the records carefully.

3. The learned counsel for the petitioner would submit that the cheque involved in C.C.No.7 of 2012 and the cheques involved in S.T.C.No.164 of 2012 and S.T.C.No.945 of 2012, were all issued to one Mohan, who is the respondent herein. But, he has misused the two other cheques and has filed S.T.C.No.164 of 2012 and S.T.C.No.945 of 2012 through his friends. Since the defence in all the three cases are one and the same, according to the learned counsel for the petitioner, all the three cases should be tried together and there has been a joint trial.

4. The learned counsel for the respondent would vehemently oppose this petition. According to him, the complainants in S.T.C.No.164 of 2012 and S.T.C.No.945 of 2012, are different and therefore, there is no question of joint trial. He would further submit that there is no truth in the allegation that the cheques involved in S.T.C.No.164 of 2012 and S.T.C.No.945 of 2012 were all issued only to the respondent and the respondent has used the services of his friends to initiate proceedings against the petitioner.



5. I have considered the above submissions.

6. First of all, the complainants in S.T.C.No.164 of 2012 and S.T.C.No.945 of 2012, are not before this Court. Without hearing them and without affording opportunity, it is not at all possible to direct joint trial of those cases with the present case in C.C.No.7 of 2012. Above all, since the parties are different, there is no chance to order for joint trial. To that extent, the request made by the petitioner deserves to be rejected. But, at the same time, since the defence is common, it will be in the interest of justice, all the three cases should be tried by one and the same Court.

7. In such view of the matter, C.C.No.7 of 2012 needs to be transferred to the file of the learned Judicial Magistrate No.I, Madurai. However, it is made clear that all the three cases shall be tried separately, and not jointly.

8. In the result, this Criminal Revision Cases is allowed in part. The order of the learned Chief Judicial Magistrate, Madurai, dated 21.01.2005, passed in Cr.M.P.No.345 of 2014, is set aside and the case in C.C.No.7 of 2012 pending on the file of the learned Judicial Magistrate No.II(Fast Track Court No.II), Madurai, shall stand transferred to the file of the learned Judicial Magistrate No.I, Madurai. The learned Judicial Magistrate No.I, Madurai, shall try all the three cases separately and not by joint trial. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

pm
To

- 1.Chief Judicial Magistrate,
Madurai.
 - 2.The learned Judicial Magistrate No.I,
Madurai.
 - 3.The learned Judicial Magistrate No.II,
Fast Track Court No.II,
Madurai.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1CC to Mr.M.Selva Kumar Advocate SR.No.39593

Cr1.R.C.(MD)No.226 of 2015
Dated: 16.07.2015+

GJM -31.07.2015-2P/6C