



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

WEB COPY

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.7543 of 2016

and

Crl.M.P.(MD) Nos.3813 and 3814 of 2016

Miriyam

... Petitioner

-vs-

1.State represented by
The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi,
Tirunelveli District.
(Crime No.120 of 2010)

2.Thavamani Panneerdoss

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Judicial Magistrate, Cheranmahadevi, Tirunelveli District to conduct a joint trial with regard to the cases in C.C.No.136 of 2010 and C.C.No.137 of 2010 pending on its file.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondents : Mr.P.Kandasamy
Government Advocate (Crl.side)
for R.1

O R D E R

This Criminal Original Petition is filed by the petitioner seeking a direction to the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District to conduct joint trial with regard to the cases in C.C.No.136 of 2010 and C.C.No.137 of 2010.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side), who takes notice for the first respondent.

3. It is not in dispute that both cases in C.C.No.136 of 2010 and C.C.No.137 of 2010 have arisen out of one and the same incident. When the cases have been arisen out of one and the same incident, it is the duty of the trial Court to conduct joint trial.



4. It is represented that the petitioner herein has filed CrI.O.P.(MD) 2865 of 2007 to quash the charge sheet in C.C.No.137 of 2010 and that the 2nd respondent has filed CrI.O.P.(MD) No.5710 of 2011 to quash the charge sheet C.C.No.136 of 2010 and that those petitions are pending.

4a. As there was no stay in both the petitions, the Trial Court wanted to proceed with the trial of the matter, but the trial of the case in C.C.No.137 of 2010 alone is taken up and not the trial in C.C.No.136 of 2010. Aggrieved over that, this petition seeking direction has been filed.

5. Having regard to the fact that these two cases are altercation and tussle arising out of the same incident and cases in C.C.Nos.136 and 137 of 2010 being cases in counter, it is imperative that both the cases must be jointly tried; that alone would avoid conflicting judgment being rendered.

6. Therefore, learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District is directed to jointly conduct trial in C.C.Nos.136 and 137 of 2010 and dispose of the same within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Cheranmahadevi,
Tirunelveli District.
 2. The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi, Tirunelveli District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.A.THIRUVADIKUMAR, Advocate Sr.No.27872
SSL/AR
AA/SK-SKN/17.06.2016/2p-5c

CrI.O.P.(MD) No.7543 of 2016
03.06.2016