

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.2212 of 2017

Sathish Kumar

... Petitioner

Vs.

The State,
Rep. By Inspector of Police,
J5, Sasthiri Nagar Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the Order passed by the Hon'ble Mahila Court, Chennai in CrI.M.P.No.19172 of 2016 dated 05.01.2017 in S.C.No.287 of 2015 and to pass direction to the trial Court to try both the cases i.e. S.C.No.287 of 2015 in Crime No.797 of 2015 and S.C.No.350 of 2016 in Crime No.328 of 2016 together in the interest of Justice.

For Petitioner : Mr.G.Thyagarajan

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

The Petitioner, who was arrayed as accused in Crime No.797 of 2015, is undergoing trial in S.C.No.287 of 2015. In other case registered in Crime No.328 of 2016 and renumbered as S.C.No.350 of 2016, the petitioner has also been arrayed as accused. It is seen that both the cases arise out of same set of facts.

2.The learned counsel for the petitioner submitted that under Section 219 Cr.P.C., joint trial for offences of the same kind not exceeding three in number and the same offence committed within a period of 12 months is permitted for avoidance of multiplicity of proceedings.

3.The learned Additional Public Prosecutor on the other hand submitted that the case in S.C.No.287 of 2015 is in the trial

stage and four witnesses have already been examined. Whereas the case in S.C.No.350 of 2016, charges are yet to be framed.

4.However, I am of the view that since the facts of the incidents involved in both the cases are one and the same, it would be appropriate to have a joint trial and direct the trial Court to expedite the trial.

5.In view of the same, there shall be a direction to the learned Sessions Judge, Mahila Court, Chennai to try both the cases in S.C.No.287 of 2015 and S.C.No.350 of 2016 together and the same shall be completed within a period of four months from the date of receipt of a copy of this order.

6.With the above observation, the Criminal Original Petition is stands disposed of.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Sgl

To

1. The Inspector of Police,
J5, Sasthiri Nagar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

3.The Sessions Judge,
Mahila Court, Chennai

+1cc to Mr.G.Thyagarajan, Advocate Sr. 46014

Cr1.O.P.No.2212 of 2017

GMI (CO)
VR(26/07/2017)