



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.(MD)No.12403 of 2015andM.P.(MD)No.1 of 2015 and CrI.M.P(MD)No.2257 of 2016

Ramaraj : Petitioner/Defacto complainant

Vs.

1.Kandasamy
2.Ganeshkumar
3.Ganapathi:Respondents 1 to 3/
Accused No.1 to 34.State through
The Inspector of Police,
Mallanginar Police Station,
Kariyapatti Taluk,
Virudhunagar.In Crime No.257 of 2014 :4th Respondent/Respondent

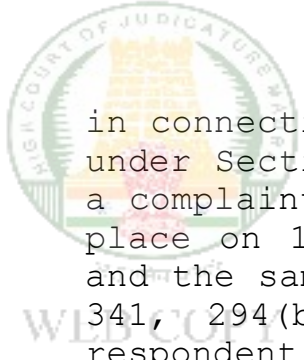
Prayer: This petition is filed under Section 407(1)(c)(iii) of Cr.P.C, to issue a direction for the committal of the case pending in C.C.No.266 of 2014 on the file of the Judicial Magistrate No.1, Virudhunagar, to the file of the Additional Sessions Judge, Virudhunagar, so as to be tried along with S.C.No.77 of 2015, in accordance with law.

For Petitioner	: Mr.G.Mariappan
For R1 to R3	: Mr.A.Saravanan
For 4 th Respondent	: Mr.A.P.Balasubramani
	Government Advocate
	(Criminal side)

O R D E R

This petition is filed to issue a direction for the committal of the case pending in C.C.No.266 of 2014 on the file of the Judicial Magistrate No.1, Virudhunagar, to the file of the Additional Sessions Judge, Virudhunagar to try alongwith S.C.No.77 of 2015, in accordance with law.

<https://hcservices.ecourts.gov.in/hcservices> The learned counsel appearing for the petitioner would submit that the petitioner is the de-facto complaint in C.C.No.266 of 2014 on the file of the Judicial Magistrate No.1, Virudhunagar,



in connection with a case in Crime No.266 of 2014 for the offences under Sections 294(b) and 324 IPC. The first respondent has lodged a complaint before the 4th respondent for the same occurrence taken place on 10.1.2013 against the petitioner and his family members and the same was registered in Crime No.256 of 2013 under Sections 341, 294(b), 323, 307 and 302 IPC and in that case, the 4th respondent had completed the investigation and laid a final report before the Judicial Magistrate No.1, Virudhunagar and the case was also committed to the Additional Sessions Judge, Virudhunagar, in S.C.No.77 of 2015 and the case was posted to 09.07.2015 for framing of charges. The case in C.C.No.266 of 2014 is pending on the file of the Judicial Magistrate No.1, Virudhunagar, is the counter case, it is just and necessary to try both the cases simultaneously by the same court. Hence, this petition is filed seeking for a direction as stated above.

3.Heard the learned counsel appearing for the respondents 1 to 3 and he has serious objection to try both the cases simultaneously by the same court.

4.Heard the learned Government Advocate (Criminal side) appearing for the 4th respondent and perused the materials available on record.

5.It is seen from the records that the petitioner has given a complaint before the 4th respondent police and the same was registered in Crime No.257 of 2013 and the same is pending in C.C.No.266 of 2014 and for the same occurrence, the complaint given by the 1st respondent before the same police, was registered in Crime No.256 of 2013 and now, the case is pending in S.C.No.77 of 2015 on the file of the Additional Sessions Judge, Virudhunagar. Therefore, in the interest of justice, the case in C.C.No.266 of 2014 pending on the file of the Judicial Magistrate No.1, Virudhunagar, has to be transferred to the Additional Sessions Judge, Virudhunagar, to be tried along with S.C.No.77 of 2015 simultaneously.

6.Hence, this petition is allowed and the case in C.C.No.266 of 2014 pending on the file of the Judicial Magistrate No.1, Virudhunagar, is transferred to the file of the Additional Sessions Judge, Virudhunagar, to be tried simultaneously with S.C.No.77 of 2015. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar



To

1.The Judicial Magistrate No.1,
Virudhunagar.

2.Do Thro' The Chief Judicial Magistrate,
Virudhunagar.

3.The Additional Sessions Judge,
Virudhunagar.

4.Do Thro' The Principal Sessions Judge,
Virudhunagar.

5.The Inspector of Police,
Mallanginar Police Station,
Kariyapatti Taluk,
Virudhunagar District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Saravanan,Advocate Sr.No.701

+1cc to Mr.G.Mariappan,Advocate Sr.No.973

Crl.O.P. (MD)No.12403 of 2015
5.01.2017

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