

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1401 of 2013
and
Crl.M.P. No.1 of 2006

Narayanasamy

...Petitioner

Vs.

1. Krishnamurthy

2. Selvarajan

...Respondents

Prayer: This Criminal Revision filed under Section 397 and 401 of Code of Criminal Procedure to set aside the order dated 06.03.2006 made in C.M.P.No.6789 of 2005 on the file of the learned District and Sessions Judge, Salem and to transfer the case in C.C.No.389 of 2003 on the file of the learned Judicial Magistrate-V, Salem to be tried along with C.C.No.359 of 2003 on the file of the learned Judicial Magistrate-V, Salem.

For Petitioner : Mr. Nissar Ahmed

For Respondent : Notice served - No appearance

O R D E R

The Criminal Revision has been filed by the petitioner to set aside the order dated 06.03.2006 in C.M.P.No.6789 of 2005 on the file of the learned District and Sessions Judge, Salem and to transfer the case in C.C.No.389 of 2003 on the file of the learned Judicial Magistrate-V, Salem to be tried along with C.C.No.359 of 2003 on the file of the learned Judicial Magistrate-V, Salem.

2. The learned Counsel for the petitioner submitted that the petitioner is an accused in C.C.No.359 and 389 of 2003 pending before the learned Judicial Magistrate No.V, Salem. The petitioner is arrayed an accused also in C.C. No.432 and 433 of 2003 pending before the learned Judicial Magistrate No.I, Salem. The first respondent is the complainant in C.C.No.359 of 2003

pending before the learned Judicial Magistrate-V, Salem and the second respondent is the complainant in C.C.No.432 and 433 of 2003 pending before the learned Judicial Magistrate-I, Salem. The petitioner seeks to try the four cases pending before the learned Judicial Magistrate-V, Salem, along with the cases pending before the Judicial Magistrate-I, Salem.

3. The learned counsel for the petitioner submits that the cases pending before the learned Judicial Magistrate-I, Salem shall be transferred to the file of the learned Judicial Magistrate-V, Salem, since, the trial has commenced.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The petitioner filed a transfer petition in C.M.P.No.6789 of 2005 before the learned District and Sessions Judge, Salem, praying for transfer the case in C.C.No.359 and 389 of 2003 pending before the learned Judicial Magistrate No.V, Salem to try them along with C.C. Nos.432 and 433 of 2003 pending before the learned Judicial Magistrate No.I, Salem. In order to avoid the conflicting decision, all the cases shall be tried in one Court namely, the learned Judicial Magistrate-V, Salem.

6. Therefore, the learned Judicial Magistrate-V, Salem is directed to conduct all the cases in C.C.Nos.359 and 389 of 2003 and 432 and 433 of 2003 simultaneously and dispose of them in accordance with law, within a period of six months from the date of receipt of a copy of this order.

7. The Criminal Revision is disposed of accordingly. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

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To

1. The District and Sessions Judge, Salem.
2. The Judicial Magistrate-V, Salem.
3. The Judicial Magistrate-I, Salem.

+1cc to Mr.N.A.Nissar Ahamed, Advocate SR.No.68822

Crl.R.C.No.1401 of 2013
and
Crl.M.P. No.1 of 2006

GMV (09/10/2018)