

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.7470 of 2018
and CRL.M.P.No.6365 of 2018

I.P.Yesudoss .. Petitioner/Party in person
Vs

The State of Tamil Nadu rep. by
The Superintendent of Police,
Head Quarters, EOW-2,
No.C-48, Block-2,
SIDCO Old Corporate Office Building,
Guindy, Chennai-32. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to keep in abeyance the trial proceedings commenced in
C.C.No.4479 of 2017 now pending before CMM Court, Chennai filed
based on FIR No.403 of 2012 which is registered secondly.

For Petitioner : I.P.Yesudoss, Party-in-Person

For Respondent : Mr.C.Emalias, Public Prosecutor
assisted by Ms.P.Kritika Kamal,
GA[Crl. Side]

O R D E R

This petition has been filed seeking direction to keep in
abeyance the trial proceedings commenced in C.C.No.4479 of 2017
pending on the file of the CMM Court, Chennai.

2.Heard the petitioner/party-in-person; learned Public
Prosecutor appearing for the respondent and perused the
materials placed on record.

3.It is seen that two FIRs were registered against the
petitioner in Crime Nos.403 of 2012 and 143 of 2013 for the
offences under Section 406, 420 r/w 120B IPC, 409 and 109 IPC,
on the complaint of two different persons. Investigation in
Crime No.403 of 2012 was completed and a charge sheet has been
filed in C.C.No.4479 of 2017 before the Chief Judicial
Magistrate, Chennai against I.P.Yesudoss and three others for

the offences under Section 409 r/w 109, 420 and 120B IPC.

4.It is the contention of Mr.Yesudoss that he was running an organization under which, he was providing easy finance to his members, which has been misconstrued by the Police as an illegal business and several FIRs were filed against him. Therefore, it is his contention that there could be only one FIR followed by a thorough investigation and a single prosecution founded thereon. Therefore, he has filed the present petition with the above prayer.

5.Learned Public Prosecutor submitted that investigation in Crime No.143 of 2013 has been completed and a charge sheet has been filed in C.C.No.4984 of 2018 for the offences under Section 420 r/w 120B IPC and 409 r/w 109 IPC against two persons including Yesudoss. Thus, in the first charge sheet, four persons have been shown as accused and in the second charge sheet, only two persons have been shown as accused. The issue raised by Mr.Yesudoss has been settled by the Supreme Court in NARINDERJIT SINGH SAHNI AND ANOTHER Vs UNION OF INDIA AND OTHERS reported in [2002] 2 SCC 210, wherein, it is held as follows:

"... 60.As regards the issue of a single offence, we are afraid that the fact situation of the matters under consideration would not permit to lend any credence to such a submission. Each individual deposit agreement shall have to be treated as a separate and individual transaction brought about by the allurements of the financial companies, since the parties are different, the amount of deposit is different as also the period for which the deposit was effected. It has all the characteristics of independent transactions and we do not see any compelling reason to hold it otherwise. The plea as raised also cannot have our concurrence. ..."

6.In such view of the matter, the prayer of the petitioner cannot be conceded. Though, there cannot be clubbing of the two cases, yet it is open to the trial Court to proceed with the trial in both the cases simultaneously.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

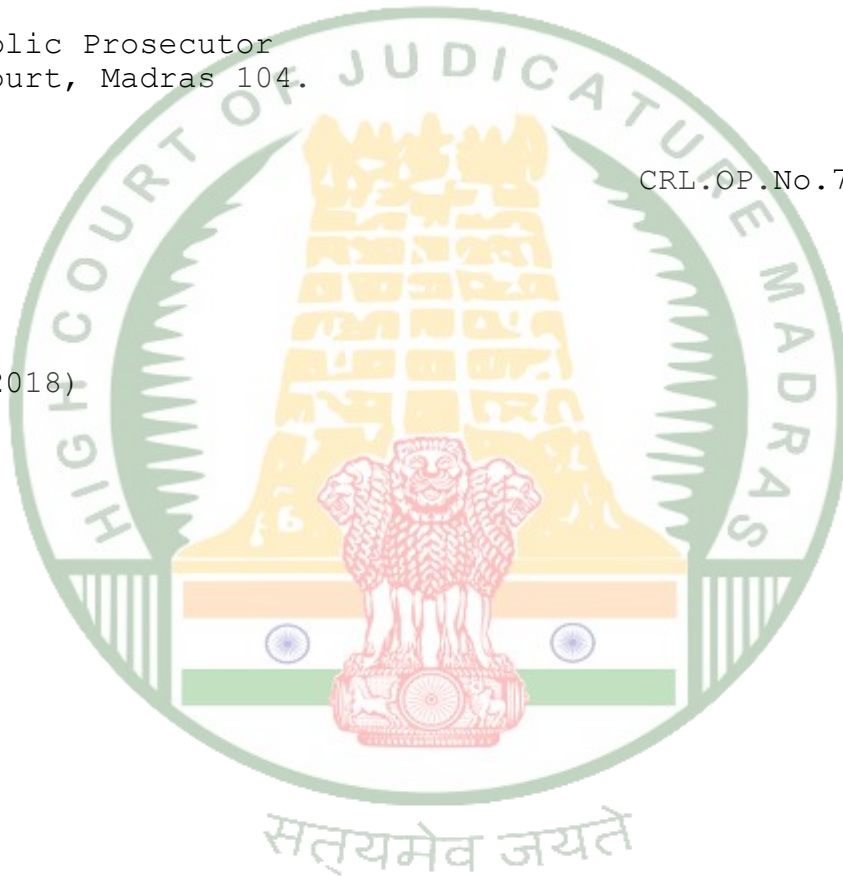
1.The Chief Metropolitan Magistrate
Chennai.

2.The Superintendent of Police,
Head Quarters, EOW-2,
No.C-48, Block-2,
SIDCO Old Corporate Office Building,
Guindy, Chennai-32.

3. The Public Prosecutor
High Court, Madras 104.

CRL.OP.No.7470 of 2018

RJ(CO)
SP(26/07/2018)



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