

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

Crl.O.P.No.23554 of 2016

and

Crl.M.P.No.11059 of 2016

Sarathkumar ... Petitioner/ De-facto Complainant

Vs

1. State by
The Inspector of Police,
Mailam Police Station,
Villupuram District. ... Respondent/Complainant

2. Vadivel
3. Dinesh @ Dinesh Kumar
4. Naveen Kumar
5. Vanjinathan
6. Batsha
7. Sumanraj
8. Venkatesan
9. Sundar rajan
10. Karvannan
11. Parthasarathy ... Proposed Respondents/
Respondents 2 to 11 Complainants

(Impleaded 2 to 11 respondents as per order of this Court order dated 22.11.2016 made in CRL MP.No.12386 of 2016 in CRL.O.P.No.23554 of 2016 by PNPJ)

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to withdraw the case in S.C.No.284 of 2016 from the Assistant Sessions Judge, Tindivanam and transfer the same to Sessions Judge, Special Court for Exclusive trial of cases under SC/ST(POA) Act, Villupuram to try jointly with Spl.S.C.No.31 of 2016.

For Petitioner : Mr.K.Gandhi Kumar

For R1 : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

For R2 to R11 : Mr.M.Venugopal- No Appearance

O R D E R

The petitioner is the defacto complainant in S.C.No.284 of 2016 on the file of Assistant Sessions Judge, Tindivanam.

2. He has filed the present petition to withdraw the case in S.C.No.284 of 2016 from the learned Assistant Sessions Judge, Tindivanam and transfer the same to the learned Sessions Judge, Special Court for Exclusive trial of cases registered under SC/ST(POA) Act Villupuram in order to try S.C.No.284 of 2016 and S.C.No.31 of 2016 jointly.

3. Mr.K.Gandhi Kumar, learned counsel appearing for the petitioner would contend that since both the cases arise out of the same incident, both must be tried together. He also contended that separate trial in different Courts may lead to multiplicity of proceedings and conflict of decision. In support of his contention he relied on the decision in Pathl Chowdhury V. State of West Bengal reported in 2005 Criminal Law Journal 433.

4. A perusal of FIR Nos.202 of 2014 and 203 of 2014 and the final report in S.C.No.284 of 2016 and S.C.No.31 of 2016, clearly shows that both cases arise out of the same incident and therefore, they should be tried in the same Court.

5. The learned Government Advocate (Crl.Side) did not raise any objection to transfer S.C.No.284 of 2016 on the file of the learned Assistant Sessions Judge, Thindivanam to the file of the learned Special Court for Exclusive trial of cases registered under SC/ST(POA) Act, Villupuram.

6. In the facts and circumstances of the present case, S.C.No.284/2016 is withdrawn from the file of the learned Assistant Sessions Judge, Tindivanam and is transferred to the file of the learned Sessions Judge, Special Court for Exclusive trial of cases registered under SC/St (POA) Act Villupuram and the learned Judge is directed to try both S.C.No284 of 2016 and S.C.No.31 of 2016 simultaneously.

7. With the above direction, the present petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

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Sub Assistant Registrar

dss/gsi

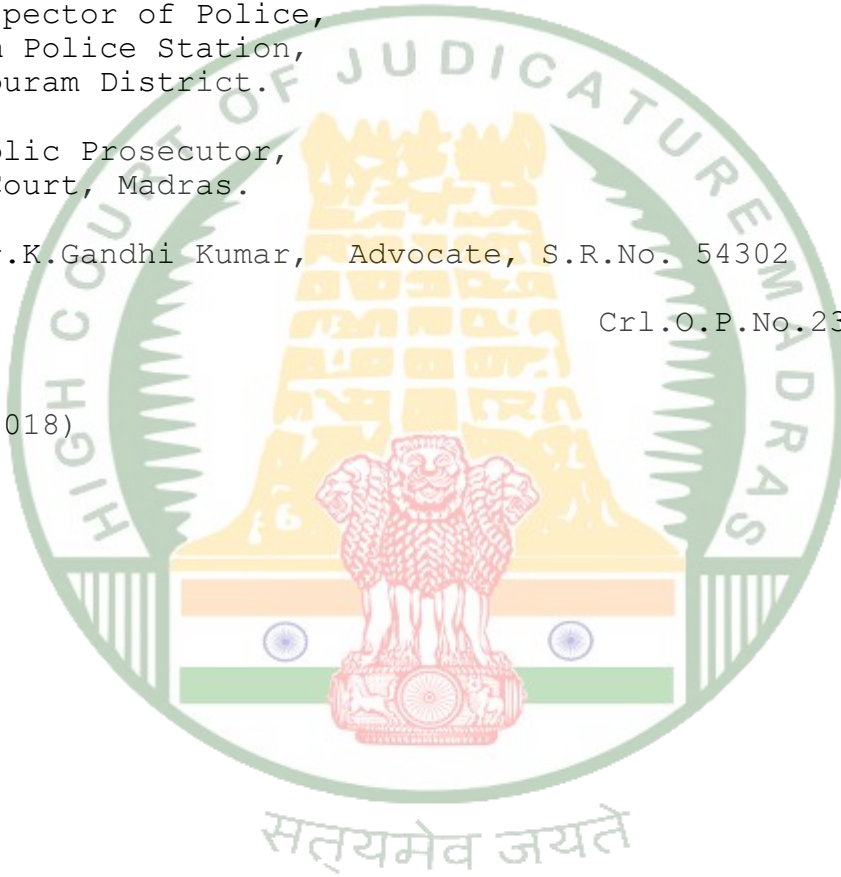
To

1. The Assistant Sessions Judge,
Tindivanam.
2. The Sessions Judge,
Special Court for Exclusive trial of cases registered under
SC/ST(POA) Act, Villupuram.
3. The Inspector of Police,
Mailam Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No. 54302

Crl.O.P.No.23554 of 2016

RSI (CO)
GN(04/09/2018)



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