



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.10.2018
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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**Crl.O.P. (MD) .No.11662 of 2015
and
M.P(MD) .Nos. 1 & 3 of 2015**

1.Raju@Selvaraj
2.Rajan@Kolirajan
3.Davam
4.Jeya

...Petitioners/Accused Nos.1 to 4

Vs

1.The State represented by
The Inspector of Police
Kottar Police Station
Kanyakumari District

...Respondent/Complainant

2.Vinoth

...Respondent/Defacto Complainant

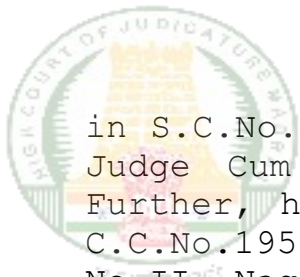
PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to withdraw the case in C.C.No.195 of 2014 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District and transfer the same to the Assistant Sessions Judge Cum Chief Judicial Magistrate, Kanyakumari at Nagercoil and direct the same to be tagged along with S.C.No.32 of 2015 on the file of the learned Assistant Sessions Judge Cum Chief Judicial Magistrate, Kanyakumari at Nagercoil and conduct trial jointly or simultaneously forthwith.

For Petitioners	:	Mr.S.Palanivelayutham
For R1	:	Mr.A.P.G.Ohm Chairma Prabhu
		Government Advocate (Crl.Side)

O R D E R

This criminal original petition has been filed to withdraw the case in C.C.No.195 of 2014 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District and transfer the same to the Assistant Sessions Judge Cum Chief Judicial Magistrate, Kanyakumari at Nagercoil and direct the same to be tagged along with S.C.No.32 of 2015 on the file of the learned Assistant Sessions Judge Cum Chief Judicial Magistrate, Kanyakumari at Nagercoil and conduct trial jointly or simultaneously forthwith.

2.The learned Government Advocate (Crl.Side) would submit that the trial has been commenced and 12 witnesses were examined



in S.C.No.32 of 2015 on the file of the learned Assistant Sessions Judge Cum Chief Judicial Magistrate, Kanyakumari at Nagercoil. Further, he would submit that the trial is yet to be commenced in C.C.No.195 of 2014 on the file of the learned Judicial Magistrate No.II, Nagercoil.

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3.Heard the learned counsel appearing on either side.

4.It is seen from the submission made by the learned Government Advocate (Crl.side) that the trial has been commenced in S.C.No.32 of 2015 and out of 13 witnesses, P.W.1 to 12 witnesses were examined. At this juncture, it cannot be clubbed along with C.C.No.195 of 2014 for joint trial.

5.Therefore, the prayer sought for in this criminal original petition to transfer the C.C.No.195 of 2014 to the file of Assistant Sessions Judge Cum Chief Judicial Magistrate Court, Kanyakumari at Nagercoil for joint trial with S.C.No.32 of 2015 cannot be granted.

6.In view of the above, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Assistant Sessions Judge-cum
-Chief Judicial Magistrate,
Kanyakumari at Nagercoil.

2.The Judicial Magistrate No.II,Nagercoil.

3.The Inspector of Police
Kottar Police Station
Kanyakumari District.

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

Crl.O.P.(MD).No.11662 of 2015
and

M.P(MD).Nos. 1 & 3 of 2015

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