

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.462 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the order dated 28.11.2017 passed in CrI.M.P. No.2014 of 2017 in Spl. S.C. No.6 of 2017 on the file of the Principal Sessions Judge, Kadapa, for the offences under Section 420 and 406 I.P.C. and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, and to pass an order to club Spl. Sessions Case Nos.4, 5 and 6 of 2017 pending on the file of the same Court.

2. Heard the learned counsel for the petitioner-A.1 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-A.1 would submit that the order passed by the Court below is contrary to law and facts of the case; the Court below ought to have invoked Section 219 Cr.P.C. and tried the cases together; in such an event, no prejudice would be caused to the prosecution witnesses; the Court below erred in dismissing the impugned order instead of ordering for common trial of Sessions Case Nos.4, 5 and 6 of 2017 together; and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the relief sought by the petitioner.

5. The mandate given under Section 219 Cr.P.C. is, when a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, he may be charged with and tried at one trial, any number of them not exceeding three. In the instant case, the learned counsel

appearing on behalf of the petitioner could not bring to the notice of this Court the date of commission of alleged offences. Further, in the instant case, the investigation was conducted separately and separate charge sheets were filed. As per the finding of the Court below, the dates of commission of offences are on different dates not within a year. The places of offences alleged to have committed by the petitioners are different and also within the limits of different police stations. Charges were already framed in the instant cases. The miscellaneous application was filed before the Court below at a belated stage. In view of the mandate given under Section 219 Cr.P.C., it is not mandatory on the part of the Court to frame charges and try all the above three cases in one trial. If all the cases are tried separately and findings are recorded, no prejudice would be caused to the petitioner-accused. The Court below has given number of reasons while dismissing the CrI.M.P. No.2014 of 2017 *vide* the impugned order. There is no infirmity in the order of the Court below. There are no circumstances to **invoke** jurisdiction of this Court under Section 482 Cr.P.C. The Criminal Petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 25-01-2018

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