

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.336 of 2019

S.N.Gowthaman

... Petitioner

vs.

The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.

.... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to pass an order for JOINT TRIAL of the cases in S.C.Nos.187 of 2018, 188 of 2018, 189 of 2018, 190 of 2018, 191 of 2018, 192 of 2018 and 193 of 2018 on the file of the Chief Judicial Magistrate, Nagapattinam.

For Petitioner : M/s.Greetha Senthilkumar

For Respondent : Mr.M.Mohamed riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a relief to direct the Court below to conduct a Joint Trial in S.C.Nos.187, 188, 189 , 190 , 191, 192 and 193 of 2018, on the file of the learned Chief Judicial Magistrate, Nagapattinam.

2.The learned counsel for the petitioner brought to the notice of this Court the Judgment of the Hon'ble Supreme Court in Nathi Lal v. State of U.P. reported in 1990 Supp SCC 145, wherein the Supreme Court has laid down the guidelines for conducting the Joint Trial. The learned counsel for the petitioner also brought to the notice of this Court the Judgment of this Court in Ganesan v. State rep.by the Inspector of Police reported in 2011 (5) CTC 747, Wherein this Court had reiterated the principles laid down by the Hon'ble Supreme Court in Nathi Lal case. The learned counsel by placing reliance upon by the Judgment would submit that the present case squarely falls within the guidelines given by the Hon'ble Supreme Court in the Judgment referred Supra.

3.The learned Additional Public Prosecutor an instructions would submit that the case is still in the stage of framing of charges. The learned counsel would further submit that only after the charges are framed, a clear picture will evolve with regard to the manner in which the trial is going to be conducted in this case. The learned Additional Public Prosecutor would further submit that if the Court below takes into consideration the provisions of section 219 and 223 of Cr.P.C and decides to jointly charge all the accused persons, in that event there is no requirement for joint trial. Therefore, the learned counsel submitted an appropriate decision can be taken by the Court below after framing of the charges in this case.

4.This Court has carefully considered the submissions made on either side. It is true that the Hon'ble Supreme Court Nathi Lal case referred supra has laid down the guidelines for the conduct of the joint trial in a criminal case. However in the present case, the stage of the case is still at the level of framing of charges. Only after the charges are framed, a clear picture will evolve in the manner in which the trial is going to be conducted in this case. Admittedly in this case, it involves cross cases as between the same parties, since the entire cause of action arose out of a group clash.

5.This Criminal Original Petition is disposed of, with a direction to the Court below to decide the manner in which the trial is going to be conducted after the charges are framed and if the Courts decide to conduct a joint trial, the Judgment of the Supreme Court in Nathi Lal v. State of U.P., referred supra shall be strictly followed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

stm
To

1.The Chief Judicial Magistrate,
Nagapattinam.

2.The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.Greetha Senthilkumar, Advocate Sr.1968

Cr1.O.P.No.336 of 2019

srg 10/01/2019



WEB COPY