

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.668 of 2016

and

Crl.M.P Nos.322, 323, 324 & 325 of 2016

V.Yasota

Petitioner

vs.

J.Domnic

Respondent

PRAYER: Criminal Original Petition filed under Section 407 (1) of the Code of Criminal Procedure, to transfer the proceedings STC No.18 of 2015 pending on the file of the Judicial Magistrate, Pochampalli and to transfer to the file of Judicial Magistrate No.II, Krishnagiri to be tried along with STC No.6 of 2015.

For Petitioner : G.Jeremiah

O R D E R

This petition has been filed seeking for transfer of proceeding STC No.18 of 2015 which is pending on the file of the Judicial Magistrate, Pochampalli to the file of Judicial Magistrate No.2, Krishnagiri to be tried along with STC No.6 of 2015.

2. The learned counsel for the petitioner submitted that the cause of action in both the complaints in STC No.18 of 2015 and STC No.6 of 2015 are similar and the parties are also the same in both the cases. Therefore, both the cases will have to be tried before the same Court in order to avoid multicpiilty of the proceedings and in order to avoid contradicting decisions between the parties. In support of his submission, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in the case of Damodar S. Prabhu vs. Sayed Babalal H. reported in 2010 AIAR (Criminal) 606.

3. The respondent has been served with notice and the respondent does not appear either in person or through counsel. The name of the respondent has also been printed in the cause list.

4. Taking into consideration the facts and circumstances of the case and also the fact that both the complaints pertain to very similar cause of action between the same parties, it would be better if both the complaints are tried by the same Court in order to avoid contradictory judgments and multiplicity in proceedings.

5. In view of the above, the proceedings in STC No.18 of 2015, pending on the file of the Judicial Magistrate, Pochampalli is withdrawn and transferred to the file of the Judicial Magistrate No.II, Krishnagiri to be tried along with STC No.06 of 2015. The Judicial Magistrate, Pochampalli is directed to transfer the entire case records within a period of two weeks from the date of receipt of copy of this order to the file of the Judicial Magistrate No.II, Krishnagiri. The Judicial Magistrate No.II, Krishnagiri shall thereafter try both the case and complete the proceedings within a period of three months.

6. This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (Cj Conf)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate, Pochampalli.

2. The Judicial Magistrate No.II, Krishnagiri.

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324 & 325 of 2016

PA(CO)
GN(13/08/2019)

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