

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN
Crl.R.C.No.309 of 2019
and
CRL.MP.No.3683 of 2019

Chinraj

.. Petitioner

1. Vs.
The State rep. by
Inspector of Police,
Moolanur Police Station,
Tiruppur District.
2.Muruganantham
3.Saravanan
4.Malathi

.. Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 21.12.2018 made in Tr.C.M.P.No.1667 of 2018 in C.C.No.120 of 2018 on the file of Principal District Judge, Tiruppur.

For Petitioner : Mr.M.Guruprasad
For Respondents: Mr.R.Ravichandran
Government Advocate (Crl. Side)
for R1

O R D E R

This Criminal Revision has been filed to set aside the order dated 21.12.2018 made in Tr.C.M.P.No.1667 of 2018 in C.C.No.120 of 2018 on the file of Principal District Judge, Tiruppur.

2. On 10.12.2017 at 4.15 p.m the respondents 2 to 4 assaulted the revision petitioner. The revision petitioner lodged a complaint against the respondents 2 to 4 and the same was registered by the first respondent police in Crime No.376 of 2018 for the offences under Sections 294(b), 307, 506(ii) IPC and Section 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Amendment Act, 2015. After completing investigation, the first respondent police laid charge sheet before the Principal District Court, Tiruppur and the same was taken on file in

Spl.S.C.No.11 of 2018, which is pending trial. The second respondent also lodged a complaint against the revision petitioner before the first respondent police and the same was registered in Crime No.377 of 2018. Upon completion of investigation, the first respondent police laid charge sheet against the petitioner for offences under Sections 294(b), 323, 427, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2012, before the learned Judicial Magistrate, Dharapuram and the same was taken on file in C.C.No.120 of 2018, which is also pending trial. During the pendency of the case, the respondents 2 to 4 filed a petition for transferring the case in C.C.No.120 of 2018 from the file of the Judicial Magistrate Court, Dharapuram to the file of Principal District Court, Tiruppur, to try along with the case in Spl.S.C.No.11 of 2018, which is pending before the Principal District Court, Tiruppur, since both the offences are involved on the same day, same time and treated as a case in counter. The learned Principal District Judge, after considering the entire facts and circumstances, allowed the petition and transferred the C.C.No.120 of 2018 to try along with the case in Spl.S.C.No.11 of 2018. Challenging the said transfer order passed in Tr.C.M.P.No.1667 of 2018, the revision petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) appearing for the first respondent and also perused the materials on record.

4. The learned counsel for the petitioner would submit that both the offences are different. The case filed by the petitioner against the respondents 2 to 4 herein attracts only SC ST Act. Therefore, the designated Court have to try the case in C.C.No.120 of 2018, which is triable by the Magistrate Court. If the case is transferred to the Sessions Court, the petitioner will lose one Appeal. Therefore, the case cannot be transferred from the Magistrate Court to the Sessions Court.

5. It is not in dispute that in both the case, the date of occurrence is 10.12.2017 and the case filed by the petitioner against the respondents 2 to 4 in Crime No.376 of 2018 for the offences under Section 294(b), 307, 506(ii) IPC and Section 3(1) (r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Amendment Act, 2015 and the second respondent filed the case against the revision petitioner in Crime No.377 of 2018 for the offences under Section 294(b), 323, 427, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The case in Spl.S.C.No.11 of 2018 (Crime No.376 of 2018) is pending before the Designated Court exclusively triable for SC/ST Act. The case in C.C.No.120 of 2018 (Crime No.377 of 2018) is pending before the Judicial Magistrate Court, Dharapuram. One of the

party approached the learned Principal District Judge, Tiruppur to transfer the case in C.C.No.120 of 2018, which is pending before the Judicial Magistrate Court, Dharapuram to the Principal District Court, Tiruppur to try the case along with Spl.S.C.No.11 of 2018 since it is the case in counter. The learned Principal District Judge on considering the date of offence, time of the offence and nature of the case registered by the parties, treated the case as the case in counter, since the parties are rival parties and the respondent police is also same and also all the witnesses are one and the same. The learned Principal District Judge allowed the Tr.C.M.P.No.1667 of 2018 and directed to try the case in C.C.No.120 of 2018, which is pending before the Judicial Magistrate Court, Dharapuram, is withdrawn and try the said case along with Spl.S.C.No.11 of 2018.

6. This Court is of the view that if both the cases are tried in one Court, no prejudice would be caused to the revision petitioner herein. Therefore, this Court does not find any merit in this revision.

7. Accordingly, this Criminal Revision Case is dismissed in the admission stage itself.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmi

To

1.The Principal District Judge,
Tiruppur.

2.The Judicial Magistrate,
Dharapuram.

3.Do thro the Chief Judicial Magistrate, Thiruppur

4.The Inspector of Police,
Moolanur Police Station,
Tiruppur District.

5.The Public Prosecutor, High Court, Madras - 104.

+lcc to Mr.M.Guruprasad , Advocate SR.No. 23742

Cr1.R.C.No.309 of 2019

kk A.SK(04/12/2019)