

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7470 of 2019

K.T.Selvaraj

... Petitioner/Complainant

Vs.

Tmt Sundari

...Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,to direct the learned Judicial Magistrate No.I, Jayankondam, Ariyalur District to dispose of the STC No.708 of 2014 independently uninfluenced by the pendency of case in C.C.No.188 of 2018.

For Petitioner : Mr.S.Kamadevan

O R D E R

This Criminal Original Petition has been filed seeking for a direction to learned Judicial Magistrate No.I, Jayankondam, Ariyalur District to dispose of the STC No.708 of 2014 independently uninfluenced by the pendency of case in C.C.No.188 of 2018.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The learned counsel for the petitioner submitted that a complaint was filed in S.T.C.No.708 of 2014 pending on the file of the learned Judicial Magistrate No.I, Jayankondam, Ariyalur District, by the petitioner against the respondent for the offence under Section 138 of Negotiable Instruments Act on the ground that the cheque was dishonoured. The respondent also filed a private complaint in C.C.No.188 of 2018 before the same Court, for the offences punishable under Section 403, 435, 468 and 469 IPC and issued summons to the petitioner for his appearance on 25.01.2019.

4. It is seen that the trying case in STC.No.708 of 2014 and the counter case in C.C.No.188 of 2018 can be tried together only if the two complaints for the same occurrences and witnesses to be tried are common. But there is no contingency

had arisen in the present case, as the allegations made are different and also arising out of different cause of actions. Hence, they cannot be tried together.

5. Considering the facts and circumstances of the case, the learned Judicial Magistrate No.I, Jayankondam, Ariyalur is directed to dispose of the case in STC.No.708 of 2014 independently within a period of three months from the date of receipt of a copy of this order being uninfluenced by the pendency of the case in C.C.No.188 of 2018 before the same Court.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(I cell)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Judicial Magistrate No.I,
Jayankondam, Ariyalur District.

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.26255

CRL.O.P.No.7470 of 2019

LN(CO)
CB(22/04/2019)

सत्यमेव जयते

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