

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.18767, 18770, 18772, 18773,
18774, 18775 and 18779 of 2019

1. M/s.Eashwar Leather Exports,
Rep. by its Managing Partner,
R.Subramanian, No.10, Vepery High Road,
Periamed, Chennai-600 003.
2. R.Subramanian,
Managing Partner,
M/s.Eashwar Leather Exports,
No.34/6, Welcome Colony,
Anna Nagar (West Extension), Chennai-40.
3. M.Thirupathy,
Partner, M/s.Eashwar Leather Exports
4. K.T.Chinthaamani
Partner, M/s.Eashwar Leather Exports

... Petitioners
in all Crl.OPs

Vs.

M/s.Shriram City Union Finance Ltd.,
Having Office at
No.221, Royapettah High Road,
Mylapore, Chennai - 600 004.
Rep. by N.Ganesan

... Respondent
in all Crl.OPs

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Metropolitan Magistrate, Fast Track Court III, Saidapet to conduct joint trial in C.C.No.4388/2011, 3960/14, 1577/14, 3963/14, 3968/14, 3959/14 & 1579/14, along with the other C.C.Nos.4388/2011, 1577/2011, 1579/2011, 3968/2014, 3959/2014, 3963/2014, 3960/2014 pending on the file of Metropolitan Magistrate, Fast Track Court, Saidapet, Chennai.

(In all the Crl.O.P.s)

For Petitioners

: Mr.R.Muniyapparaj

COMMON ORDER

These petitions have been filed for a direction to the Fast Track Court-III, Saidapet to conduct a joint trial in all the complaints pending before the Court.

2.The learned Counsel for the petitioners submitted that the parties involved in all these petitions are one and the same and there are six complaints filed under Section 138 of the Negotiable Instruments Act by the respondent against the petitioners. The learned Counsel for the petitioners further submitted that all these complaints can be tried simultaneously by the Court below, since it involves the same parties and the transactions are also similar. In order to substantiate his submissions, the learned Counsel for the petitioners relied upon the judgment of the Karnataka High Court passed in the case of Sri.S.Kamakoti Vs. Sri.I.Sarfraz Nawaz in Criminal Petition No.1454 of 2018 dated 09.04.2019.

3.The Karnataka High Court in the above judgment has held that a harmonious construction of Sections 219 ad 220 of Cr.P.C. would enable the Trial Court to consider all the complaints together and tried together.

4.In the instant case each complaint has been filed for an independent transaction between the parties wherein separate cheques have been drawn in favour of the complainant.

5.In view of the above, there shall be a direction to the Metropolitan Magistrate, Fast Track Court-III, Saidapet to conduct simultaneous Trial in all the seven complaints by fixing the same hearing date for all the cases. This will enure to the benefit of the parties and will be more convenient for the parties to participate in the proceedings and it will also be easy for the Trial Court to deal with all the seven cases and dispose it of by passing separate judgments in each of the complaint.

6.The learned Counsel for the petitioners submitted that the 4th petitioner is a lady and therefore her presence may be dispensed with before the Court below in all the seven complaints. The presence of the 4th petitioner is dispensed with and she shall be represented by a counsel before the Court below. The 4th petitioner shall be present before the Court at the time of questioning under Section 313 of Cr.P.C. and at the time of passing of the final judgment.

7.All these Criminal Original Petitions are disposed of with a direction to the Metropolitan Magistrate, Fast Track Court-III, Saidapet, to try all the complaints simultaneously

and to complete the proceedings within a period of six months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas/vs

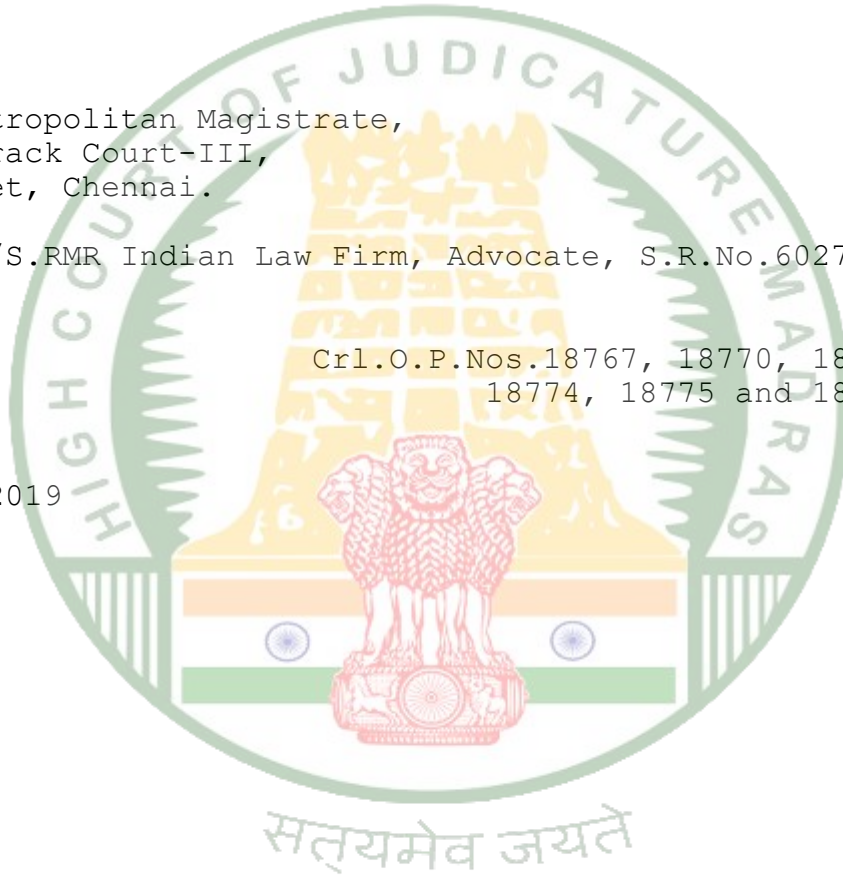
To

1. The Metropolitan Magistrate,
Fast Track Court-III,
Saidapet, Chennai.

+1cc to M/S.RMR Indian Law Firm, Advocate, S.R.No.60279

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VP(CO)
CS/05/09/2019



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