



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.278 of 2015

and

M.P(MD)No.1 of 2015

Periyasamy Raja

... Petitioner/Respondent/Complainant

Vs.

1.Chandramohan

2.Manivannan

3.Jeyaseelan

4.The Inspector of Police,
Keeraithurai Police Station,
Madurai.

... Respondents/Petitioners/Accused A4 to A6

(R4 impleaded as per the order of
this Hon'ble Court dated 14.09.2015
and made in M.P(MD)No.2 of 2015
in Crl.R.C(MD)No.278 of 2015)

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.2519 of 2013 in C.C.No.113 of 2012, 03.08.2013, passed by the learned Judicial Magistrate No.IV, Madurai and set aside the same.

For Petitioner	: Mr.M.Gnanagurunathan
For R1 to R3	: Mr.P.Elangovan
For R4	: Mr.A.P.G.Ohm Chairma Prabhu
	Government Advocate

O R D E R

This Criminal Revision Case has been filed praying to call for the records pertaining to the order passed in Cr.M.P.No.2519 of 2013 in C.C.No.113 of 2012, 03.08.2013 by the learned Judicial Magistrate No.IV, Madurai and set aside the same.

2. The learned counsel appearing for the petitioner would submit that since the co-accused in this case have appointed their advocates and appearing before the trial Court regularly, except for hearing, the splitting up the case by the learned Magistrate is unnecessary and hence, prayed to set aside the order passed by the learned Magistrate, dated 03.08.2013.



3.The learned counsel appearing for the respondents 1 to 3 submitted that already the case was split up, as against the accused 4 to 6 in Cr.M.P.No.2519 of 2013 in C.C.No.113 of 2012. Now, all the accused are appearing regularly before the trial Court. Hence, at this stage to club the matter is unnecessary. Hence, prayed to dismiss the petition filed by the petitioner.

4.I have heard the learned counsel appearing on either side and perused the materials available on record.

5. As rightly pointed out by the learned counsel appearing for the petitioner, since the co-accused in this case have appointed their advocates and appearing before the trial Court regularly, except for hearing, the splitting up the case by the learned Magistrate is unnecessary, and hence, the order passed by the learned Judicial Magistrate No.IV, Madurai, in Cr.M.P.No.2519 of 2013 in C.C.No.113 of 2012, dated 03.08.2013, is liable to be set aside.

6.In the result, this Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.No.2519 of 2013 in C.C.No.113 of 2012, dated 03.08.2013 is set-aside. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.IV, Madurai.

2.The Inspector of Police,
Keeraithurai Police Station, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-80089[F] dated 06/08/2019)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-80787[F] dated 08/08/2019)

Cr1.R.C(MD)No.278 of 2015

and

M.P(MD)No.1 of 2015

06.08.2019