



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2019

CORAM:

THE HON'BLE MR.JUSTICE **N. ANAND VENKATESH**

Crl.O.P.No.1899 of 2017

and

Crl.M.P(MD)Nos.2196 and 2197 of 2017

Mohamed Ibrahim

... Petitioner

Vs.

Thangavel

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records connected with the order dated 18.12.2015 in Crl.R.C.No.44 of 2015 on the file of the Hon'ble II-Additional District Judge, Trichirappalli confirming the order passed in Crl.M.P.No.660 of 2015 on the file of the learned Judicial Magistrate No.6, Trichirappalli and set aside the same, consequently to direct the learned Judicial Magistrate No.1, Tiruchirappalli to clubbed together and tried together the cases in C.C.No.290 of 2016 on the file of learned Judicial Magistrate No.1 (Old No.S.T.C.No.2196 of 2012 on the file of the learned Judicial Magistrate No.6) and C.C.No.288 of 2016 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli (Old No.S.T.C.No.96 of 2014 on the file of the learned Judicial Magistrate No.6) within the time stipulated by this Court.

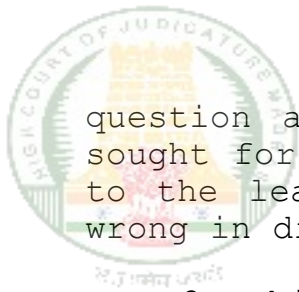
For Petitioner : Mr.R.Alagumani

For Respondent : No Appearance

O R D E R

This petition has been filed aggrieved by the order passed by the Court below in Crl.R.C.No.44 of 2015 dismissing the revision petition and confirming the order passed by the trial Court in Crl.M.P.No.660 of 2015, wherein the trial Court refused to allow the application filed by the petitioner for clubbing of the cases in C.C.No.290 of 2016 and C.C.No.288 of 2016.

2.The learned counsel for the petitioner submitted that the respondent has filed separate complaints for the dishonour of the cheques that is said to have been drawn by the petitioner in favour of the respondent. The learned counsel submitted that the transaction between the parties are interlinked and the offences in



question are similar in nature and therefore, the petitioner had sought for clubbing of the cases before the Court below. According to the learned counsel for the petitioner, the Courts below went wrong in dismissing the application.

3. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

4. It is seen from the records that the respondent has filed two separate complaints against the petitioner for the dishonour of cheques, which are the subject matter of each of the complaints. According to the petitioner, there are multiple transactions between the parties and the cheques were given towards those transactions and the same requires the clubbing of the cases, in order to given an opportunity to the petitioner to establish the fact that he does not owe any debt or liability to the respondent.

5. Both the Courts below have dismissed the applications filed by the petitioner, mainly on the ground that the respondent has filed separate complaints for the dishonour of different cheques given by the petitioner and therefore, there is no question of clubbing the cases together. Both the Courts have held that the petitioner can only seek for simultaneous trial or joint trial and the same will take care of the grievance expressed by the petitioner.

6. This Court does not find any illegality or infirmity in the order passed by the Courts below. The petitioner wants to explain the various transactions that took place between him and the respondent in the course of business. For this purpose, there is no requirement to club the cases. The trial Court can conduct a simultaneous trial in both complaints and in such an event, the petitioner can always explain the nature of the transactions that took place between the parties.

7. In view of the above, the order passed by the Court below is hereby sustained. Accordingly, the Criminal Original Petition is dismissed. The learned Judicial Magistrate No.I, Tiruchirappalli, is directed to conduct a simultaneous trial in C.C.Nos.290 of 2016 and 288 of 2016 and complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //



To

1.The II Additional District Judge,
Trichirappalli.

2.The Judicial Magistrate No.1,
Trichirappalli.

3.The Judicial Magistrate No.6,
Trichirappalli.

+1CC TO Mr.R.Alagumani, Advocate, Sr No.85183

Crl.O.P.No.1899 of 2017
and
Crl.M.P(MD)Nos.2196 and 2197 of 2017
03.09.2019

vsd
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