

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6674 of 2020 and
Crl.M.P.No.3676 of 2020

1. M/s.Imatics Technologies Pvt Ltd,
Represented by its Authorised Signatory,
Mr.Ramakrishnan
 2. Ramakrishnan
 3. Legala Vijaya Anand Reddy
- ...Petitioners
/Accused

Vs.

M/s.Interlace India Pvt Ltd.,
Rep.by its Vice President, Mr.G.Ambalavanan
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 03.03.2020 passed in memo filed in C.C.No.1113 of 2013 by the learned 3rd Fast Track Metropolitan Magistrate, Saidapet, Chennai and further to act in accordance with the orders passed by this Court in Crl.R.C.Nos.536 to 539 of 2015 dated 16.06.2015.

For Petitioners : Mr.C.P.Palanichamy

ORDER

This Criminal Original Petition has been filed challenging the order dated 03.03.2020 passed in the memo filed by the petitioner in C.C.No.1113 of 2013 on the file of the 3rd Fast Track Magistrate, Saidapet, Chennai.

2. The learned counsel for the petitioner submitted that the petitioners are accused in C.C.No.2726 of 2014 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai lodged by the respondent herein. The respondent also filed a private complaint for the offence punishable under Section 138 of the Negotiable Instruments Act as against the petitioners in four complaints, those were pending on the file of the

Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai. Therefore, the petitioners have filed transfer CMPs to transfer these cases to the file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai to be tried along with C.C.No.2726 of 2014 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai. Those transfer petitions were dismissed by the District Court and the same were challenged before this Court in CrI.R.C.Nos.536 to 539 of 2015. This Court by an order dated 16.06.2015 set aside the order passed by the District Court and transfer the C.C.No.2726 of 2014 from the file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai to the file of Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai. Therefore, the petitioners have filed a memo requesting that simultaneous trial of all these cases are arising out of the under Section 138 of Negotiable Instruments Act and also arising out of IPC offences and to avoid conflicting decisions.

3. The trial Court closed the memo, since no orders need to be passed for the reason, this Court while transferring C.C.No.2726 of 2014 from the file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai to the Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, with a direction to try separately by the same Court. There is no specific direction for simultaneous trial to try all the cases by this Court. The learned counsel for the petitioner further submitted that this Court ordered transfer only to avoid conflicting of decisions arising out of the same issue. Therefore, the petitioners sought for simultaneous trial in all the cases.

4. It is seen that the respondent lodged four complaints on the file of the IX Metropolitan Magistrate, Saidapet, Chennai. Thereafter, the respondent filed another complaint as against the petitioners and also other accused persons for the offences under Sections 417, 418, 420, 406 and 422 r/w 34 of IPC and the same was taken cognizance in C.C.No.2726 of 2014 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai. Therefore, the petitioners sought for transfer of these cases arising out of under Section 138 of the Negotiable Instruments Act, to the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and for simultaneous trial along with C.C.No.2726 of 2014. Those petitions were dismissed by the District Court, this Court in CrI.R.C.Nos.536 to 539 of 2015 allowed the transfer petition and passed the following order:-

".....(i) The common order dated 21.04.2015 passed by the learned Principal Sessions Judge, Chennai in Transfer CrI.M.P.Nos.2108 of 2015, 2110 of 2015, 2113 of 2015 and 2115 of 2015 in C.C.Nos.1113 of 2013, 1191

of 2013, 2071 and 2072 of 2013 respectively are set aside.

(ii) Consequently, the case pending in C.C.No.2726 of 2014 on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai for the offences under Sections 417, 418, 420, 406 and 422 r/w 34 of IPC is recalled and transferred to the file of the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai to be tried separately in the same Court wherein C.C.Nos.1113 of 2013, 1191 of 2013, 2071 and 2072 of 2013 are pending for the alleged offence under Section 138 of the Negotiable Instruments Act.

(iii) It is made clear that the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai shall hear all these matters and disposed of the same, as expeditiously as possible."

5. Thereafter, the C.C.No.2726 of 2014 was transferred from the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai to the Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, to be tried separately for the same Court were other CCs arising out of under Section 138 of the Negotiable Instruments Act are pending. Now, the petitioners by way of memo seeking simultaneous trial and also for the verdict on the same day.

6. As rightly pointed out by the trial Court, this Court has directed the trial Court to try the C.C.No.2726 of 2014 separately and there is no direction for simultaneous trial. Therefore, this Court finds no irregularity or illegality in the order passed by the Trial Court on the memo filed by the petitioners.

7. In view of the above discussions, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

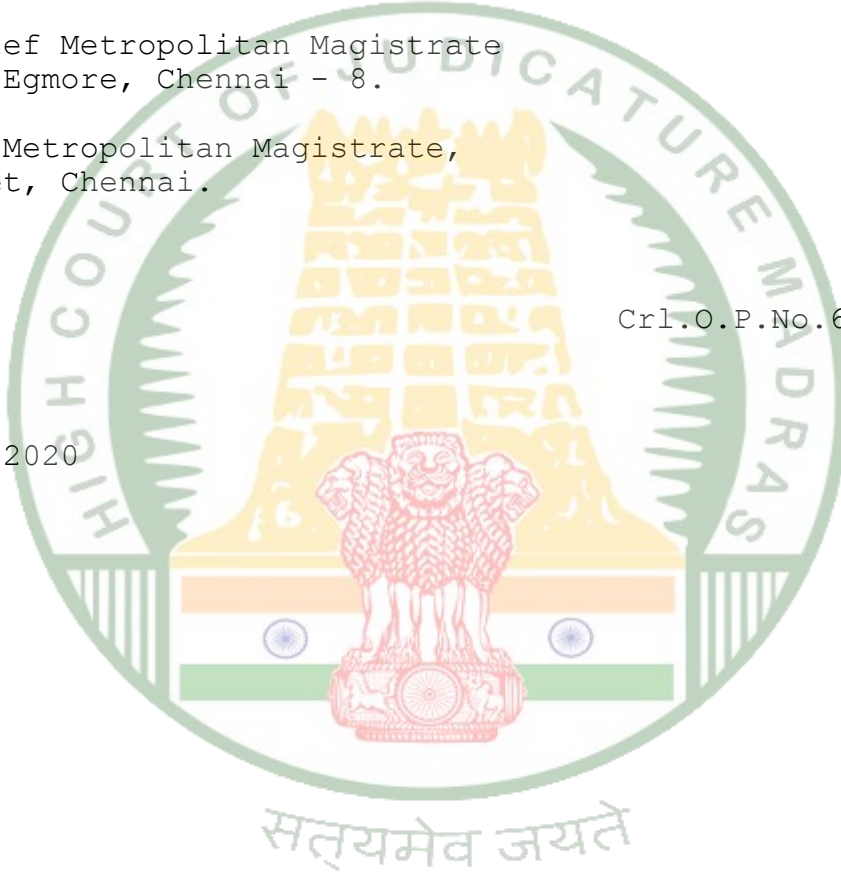
The 3rd Fast Track Metropolitan Magistrate, Saidapet, Chennai

Copy To

1. The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Metropolitan Magistrate Court,
Fast Track Court No.III,
Saidapet, Chennai.
3. The Chief Metropolitan Magistrate
Court, Egmore, Chennai - 8.
4. The IX Metropolitan Magistrate,
Saidapet, Chennai.

Crl.O.P.No.6674 of 2020

VG II (CO)
KKV/24/07/2020



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