



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2020

CORAM:

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THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**

Crl.O.P. (MD) .No.1976 of 2020

and

Crl.MP. (MD) Nos.973 and 975 of 2020

1. S.Shanmugavel
 2. S.Kaliammal
 3. S.Shanmugavadivel
 4. S.Sivashanmugavel
- ...Petitioners/Accused Nos.2 to 5

Vs.

Vinayak Cotton Agencies
133, Cotton Market
Rajapalayam- 626 117
Rep. by its Manager
S.Suriyachandran
S/o.G.Santhanam

...Respondent

PRAYER: This Criminal Original Petitions has been filed under Section 482 of Criminal Procedure Code, to direct joint trial of the case in C.C.No. 480 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam to be tried along with the cases in C.C.Nos.552,553,579,859,860,908,883 of 2019 pending on the file of the learned Judicial Magistrate (Fast Track Court) Srivilliputhur, Virudhunagar District.

For Petitioners : Mr.A.Thiruvadikumar

For Respondents : Mr.S.S.Madhavan

O R D E R

This petition has been filed to direct joint trial of the case in C.C.No. 480 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam to be tried along with the cases in C.C.Nos.552,553,579,859,860,908,883 of 2019 pending on the file of the learned Judicial Magistrate (Fast Track Court) Srivilliputhur,



Virudhunagar District.

2. The learned counsel for the petitioners would submit that the complainant and the accused in C.C.No.480 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam and the complainant and accused in other cases pending on the file of the learned Judicial Magistrate (Fast Track Court) Srivilliputhur, Virudhunagar District are one and same. He would submit that the case relates to issuance of cheque in respect of payment amount towards supply of yarns. The defence taken in the case in C.C.No. 480 of 2016 is same as that of the defence taken in other seven cases. If the petitioners are allowed to conduct case at two different Court below, it will cause serious prejudice to the petitioner. If he discloses the defence in the earlier case, there is a possibility of the complainant changing their stand accordingly. Further he would submit that the Courts are within the same Sessions jurisdiction of Virudhunagar District and the Courts are 10 km away and no prejudice will be caused to the accused to the complainant/respondent by transferring one case to be tried along with other seven cases pending before other Court.

3. Mr.S.S.Madhavan, learned Counsel takes notice on behalf of the respondent. He would submit that cheque in the first case was issued prior to the compromise which was arrived in NCLT and the subsequent cheques were received thereafter. He would also submit that the petitioners have filed the petition only to delay further progress of the trial. He would also submit that direction may be issued to the trial court to complete the trial proceedings in all the cases as expeditiously as possible.

4. This Court is of the opinion that no prejudice will be caused to the respondent/complainant by transferring the single case in C.C.No. 480 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam to be tried along with the cases in C.C.Nos.552,553,579,859,860,908,883 of 2019 pending on the file of the learned Judicial Magistrate (Fast Track Court) Srivilliputhur, Virudhunagar District.

5. In view of the same, the learned Judicial Magistrate, Rajapalayam is directed to transfer the entire case in C.C. No. 480 of 2016 to the file of the learned Judicial Magistrate (Fast Track Court) Srivilliputhur, Virudhunagar District within a period of two weeks from the date of receipt of a copy of this order. Further the learned Judicial Magistrate (Fast Track Court) Srivilliputhur, Virudhunagar District on receipt of case records in C.C. No. 480 of 2016 from the file of learned Judicial Magistrate, Rajapalayam shall endeavour to complete the trial in C.C.No.480 of 2016 and C.C.Nos.552,553,579,859,860,908,883 of 2019 within a period of six months from the date of receipt of the case records.



6. With the above direction, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are is closed.

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Sd/-

Assistant Registrar (CS II)

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Rajapalayam
 - 2.The Judicial Magistrate (Fast Track Court) Srivilliputhur,
Virudhunagar District
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.S.S.MADHAVAN, Advocate (SR-4809[F] dated 05/02/2020)
- +1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-4870[F] dated
05/02/2020)

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KK/SAR/07.02.2020/3P-6C/