



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.11507 of 2020

and

Crl.M.P(MD)No.5262 of 2020

WEB COPY

Vincent @ Deva Sagayam

... Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur, Thanjavur District.
Crime No.232 of 2015

... Respondents/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and to set aside the order dated 02.09.2020 passed in Crl.R.C.No.74 of 2019 on the file of the learned Additional District and Sessions Judge/Special Judge for EC Act Cases, Thanjavur, Thanjavur District confirming the order dated 20.11.2019 passed in Cr.M.P.No.5386 of 2019 in S.T.C.No.365 of 2015 on the file of the learned Judicial Magistrate No.I, Thanjavur, Thanjavur District.

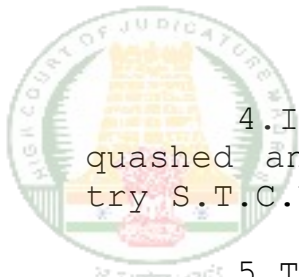
For Petitioner	: Mr.A.Thiruvadi Kumar
For Respondent	: Mr.V.Neelakandan, Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is figuring as an accused in S.T.C.No.365 of 2015 on the file of the learned Judicial Magistrate No.I, Thanjavur, Thanjavur District, for the offences under Sections 294 (b), 323 and 427 IPC. The petitioner has filed a private complaint in C.C.No.371 of 2015. They are case and counter cases. Therefore, in the very nature of things, they will have to be jointly tried.

3.It appears that instead of asking for joint trial, the petitioner had invoked Police Standing Orders 560, which deals with joint investigation. This inadvertent invocation of wrong provision led the Court below to negative the petitioner's prayer.



4.In that view of the matter, the order impugned is quashed and the learned trial Magistrate is directed to jointly try S.T.C.No.365 of 2015 along with C.C.No.371 of 2015.

5.This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judicial Magistrate No.I,
Thanjavur.
- 2.The Additional District and Sessions Judge/
Special Judge for EC Act Cases,
Thanjavur, Thanjavur District.
- 3.The Inspector of Police,
Thanjavur South Police Station,
Thanjavur, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-
20514[F] dated 19/10/2020)

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BK (CO)

KM (02.11.2020) 2P 6C

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