



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2020

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL.O.P.(MD)No.13358 of 2020

and

CRL.M.P(MD)Nos.6131 and 6132 of 2020

- 1) S.Shanmugavel
- 2) S.Kaliammal
- 3) S.Shanmugavadivel
- 4) S.Sivashanmugavel

... Petitioners

vs.

Vinayak Cotton Agencies,
133, Cotton Market,
Rajapalayam-626 117,
Represented by its Manager,
S.Suriyachandran

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District to conduct a joint trial of the case in C.C.No.268 of 2020 on the file of the Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District, to be tried together with C.C.Nos.552, 553, 579, 859, 860, 908 and 883 of 2019 pending on the file of the Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District.

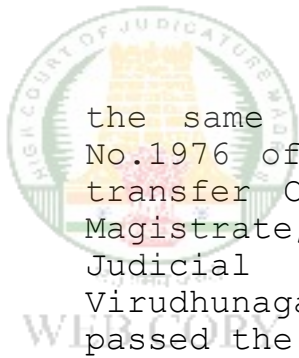
For Petitioner : Mr.A.Thiruvadi Kumar

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District to conduct a joint trial of the case in C.C.No.268 of 2020 on the file of the learned Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District, along with C.C.Nos.552, 553, 579, 859, 860, 908 and 883 of 2019 pending on the file of the learned Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District.

2.The complainant and the accused in C.C.No.480 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam, are one and

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the same and in the earlier round of litigation in Crl.O.P(MD) No.1976 of 2020, the petitioners came forward with a petition to transfer C.C.No.480 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam to be transferred to the file of the learned Judicial Magistrate, (Fast Track Court), Srivilliputhur, Virudhunagar District, and this Court by order dated 05.02.2020 passed the following order:-

''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 week s 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.''

3.Accordingly, C.C.No.480 of 2016 has been transferred to the file of the learned Judicial Magistrate(Fast Track Court), Srivilliputhur, Virudhunagar District and it has been renumbered as C.C.No.268 of 2020. Reading of the above order would clearly show that the above case in C.C.No.480 of 2016 has been ordered to be transferred to be tried along with the connected cases pending before the learned Judicial Magistrate, (Fast Track Court), Srivilliputhur, Virudhunagar District. The order is very clear as to the question of joint trial and it is not known why this petition has been filed. In my opinion, already there is an order passed by this Court to try the cases jointly. The order passed by this Court in Crl.O.P(MD)No.1976 of 2020 dated 05.02.2020, is suffice as the words are very clear as to the joint trial and therefore, no further order is necessary in this petition. The above order has been passed on 05.02.2020 and now it is almost 10 months have elapsed and considering the pandemic situation, the learned Judge is directed to dispose of the cases as ordered by this Court in Crl.O.P (MD)No.1976 of 2020 dated 05.02.2020 within a period of three months from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

Bala/vrn

To

The Judicial Magistrate
(Fast Track Court),
Srivilliputhur,
Virudhunagar District.

ORDER MADE IN
Crl.O.P. (MD) No.13358 of 2020
DATED : 24.11.2020

PM (CO)

NR (23/12/2020) 3P : 2C