



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

WEB COPY

Crl.OP(MD)No.3696 of 2019

and

Crl.MP(MD)No.2152 of 2019

Pitchai

... Petitioner/Petitioner

vs.

1.The State rep by
The Inspector of Police,
Sindhupatti Police Station,
Madurai District.
(Crime No.41 of 2015)

2.T.Sivaraman
3.R.Sundaramoorthy
4.R.Sundari
5.A.Rajaram
6.A.Balakrishnan
7.P.Palanikumar
8.S.Ramya
9.K.Chinnakaruppan
10.C.Ochukalai
11.C.Chinnachamy
12.C.Palaniyammal
13.C.Ramesh
14.M.Thangamalai

... Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in C.C.No.59 of 2017 pending on the file of the Judicial Magistrate, Thirumangalam and transfer the same to VI Additional Sessions Judge, Madurai to be tried simultaneously along with S.C.No.38 of 2016 pending on the same Court.

For petitioner : Mr.D.Malaichamy
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This petition is filed seeking transfer the case in C.C.No.59 of 2017 pending on the file of the Judicial Magistrate, Thirumangalam, to the VI Additional Sessions Judge, Madurai, to be tried simultaneously along with S.C.No.38 of 2016, pending on the



2.It is a case in counter case. On the basis of the complaint given by the petitioner, against the respondents 2 to 14 & 20 others, a case in Crime No.40 of 2015, was registered for the offence punishable under Sections 147, 148, 294(B), 323, 324 and 506 (ii) IPC. Similarly, on the basis of the complaint given by the third respondent herein, a case in Crime No.41 of 2015 was registered for the offence punishable under Sections 147, 148, 294 (B), 323, 324 and 506 (ii) IPC. Since one of the injured was died, it was altered to Section 302 IPC. Now, it is pending before the VI Additional Sessions Judge, Madurai, in S.C. No.38 of 2016.

3.Since both the occurrence said to have taken place as counter occurrences, it is a settled proposition of law that it must be simultaneously tried by the same Court. For that purpose, the learned counsel for the petitioner would rely upon the judgment of this Court, reported in **Ganesan and other Vs. The Inspector of Police, Kodambakkam Police Station, Chennai (Crime No.1915 of 1998) 2011 (5) CTC 747.**

4.As per the settled proposition of law, the case pending before the learned Judicial Magistrate, Thirumangalam, is transferred to the VI Additional Sessions Judge, Madurai. The learned Judicial Magistrate, Thirumangalam, is directed to send entire records to the learned VI Additional Sessions Judge, Madurai. On receipt of the records and the appearance of accused persons, the VI Additional Sessions Judge, Madurai, shall conduct the simultaneous trial in both the matters.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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.



1.The Judicial Magistrate,
Thirumangalam.

3.The Inspector of Police,
Sindhupatti Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-34354[F] dated
12/11/2021)

Cr1.OP (MD) No.3696 of 2019
and
Cr1.MP (MD) No.2152 of 2019
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RK/NS (25/11/2021) 3P 6C