



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.20739 of 2018

and

Crl.M.P.(MD)Nos.9583 & 9584 of 2018

WEB COPY

Palanichamy

... Petitioner

vs.

1.The State through
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.30 of 2016)

2.Vellaidurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records relating to the case in C.C.No.20 of 2017 pending on the file of the District Munsif cum Judicial Magistrate, Natham and quash the same.

For Petitioner : Mr.D.Malaichamy

For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. Side)for R1

No appearance for R2

O R D E R

This Criminal Original Petition has been filed seeking orders to call for the records relating to the case in C.C.No.20 of 2017, pending on the file of the District Munsif cum Judicial Magistrate, Natham and quash the same.

2.It is not in dispute that an FIR came to be registered against the petitioner in Crime No.30 of 2016 for the alleged offences under Sections 341, 294(b), 324 and 506(2) IPC and the case in counter came to be registered in Crime No.28 of 2016 for the offences under Section 307 IPC. It is not in dispute that the respondent police after completing the investigation, has laid a final report with respect to Crime No.30 of 2016 and the case was taken on file in C.C.No.20 of 2017 and the same is pending on the file of the District Munsif cum Judicial Magistrate, Natham.



3. When the matter was taken up for hearing on 17.11.2021, after hearing the submissions of the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side), this Court has directed the Registry to call for a report from the District Munsif cum Judicial Magistrate, Natham as to the stage of the final report that was filed on 22.05.2016 with respect to Crime No.28 of 2016. In pursuance of the said order, the District Munsif cum Judicial Magistrate, Natham submitted a report on 04.12.2021 stating that FIR is pending in Crime No.28 of 2016 and no final report has been filed.

4. When the matter is taken up for hearing today (i.e.15.12.2021), the learned Government Advocate (Criminal Side) would submit that the charge sheet has already been filed in Crime No.28 of 2016 and the same was taken on file in P.R.C.No.8 of 2021. He would further submit that the charge sheet has been filed on 14.12.2021 and the same was taken on file yesterday.

5. At this juncture, the learned counsel for the petitioner would submit that it would suffice, if the case in C.C.No.20 of 2017 is also sent to the Sessions Court to try simultaneously with the case in Crime No.28 of 2016, now pending in P.R.C.No.8 of 2021.

6. Considering the fact that the above said cases are case and case in counter, the learned Judicial Magistrate is to be directed to invoke Section 323 Cr.P.C. and commit the case in C.C.No.20 of 2017 simultaneously with the case pending in P.R.C.No.8 of 2021. Hence, the learned Judicial Magistrate, Natham is directed to commit both the cases to the Sessions Court, enabling the Court to proceed with the cases simultaneously.

7. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

csm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official
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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

WEB COPY

1.The District Munsif cum Judicial Magistrate,
Natham.

2.The Inspector of Police,
Natham Police Station,
Dindigul District.

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

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-38912[F] dated
15/12/2021)

Crl.O.P. (MD)No.20739 of 2018

and

Crl.M.P. (MD)Nos.9583 & 9584 of 2018

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