



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.13182 of 2021
in
Crl.M.P(MD)No.6797 of 2021

Seenivasan ... Petitioner/Defacto complainant

Vs.

1.Kanagasabapathi ... 1st Respondent/Sole Accused

2.The State represented by
The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(Crime No.410 of 2015) ... 2nd Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to issue appropriate direction for the committal of case pending in C.C No.8 of 2021 on the file of Special Court for Judicial Magistrate No.II, Virudhunagar, to the file of Special Court of SC/ST Act Cases, Srivilliputhur so for as to be tried along with Spl.S.C.No.36 of 2016 in accordance with law.

For Petitioner : Mr.G.Mariappan
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl Side)
for R.2
Mr.I.Abrar Abdullah for R.1

ORDER

This Criminal Original Petition has been filed seeking a direction for the committal of case pending in C.C No.8 of 2021 on the file of Special Court for Judicial Magistrate No.II, Virudhunagar, to the file of Special Court of SC/ST Act Cases, Srivilliputhur so for as to be tried along with Spl.S.C.No.36 of 2016.

2.The case of the prosecution is that the petitioner is the defacto complainant in S.T.C.No.167 of 2017 on the file of the Judicial Magistrate No.II, Virudhunagar. Thereafter, it was transferred to the file of the Special Court for Judicial Magistrate No.II, Virudhunagar and renumbered as C.C.No.8 of 2016. The



petitioner is arrayed as A.2 in Spl.S.C.No.36 of 2016, on the file of the Special Court for SC/ST Cases, Srivilliputhur. On the complaint lodged by the petitioner as against the first respondent for the occurrence took place on 22.12.2015, the second respondent registered the case in Crime No.410 of 2015 for the offence under Sections 294(b), 341, 323 and 506(i) IPC and the same has been taken cognizance in C.C.No.8 of 2021. The first respondent herein lodged a complaint for the very same occurrence as against the petitioner and others and the same was registered in Crime No.294(b), 341, 323, 324, 506(i) IPC read with 3(i)(r)(s), 3(2)(va) of SC/ST Act 2014. After completion of investigation, final report was filed and the same has been taken cognizance in Spl.S.C.No.36 of 2015, on the file of Special Court of SC/ST Act Cases, Srivilliputhur. Therefore, the petitioner sought for transfer of C.C.No.8 of 2021, on the file of the Special Court for SC/ST cases, since for the very same occurrence, there were two complaints. Therefore, the provision under Section 407 Cr.P.C could be invoked to commit the case from the learned Judicial Magistrate to the Special Court. If there is a counter case where one of the cases involves that offence for Exclusive trial by the Court of Sessions and in any other cases none of the offence attract the trial to be conducted by the Court of Sessions, then has to proceed under Section 323 Cr.P.C. The jurisdictional Magistrate who covered both the cases to the Sessions Court. Therefore, in view of the above the entire proceedings in C.C.No.8 of 2021 herein withdrawn from the file of the Judicial Magistrate No.II, Virudhunagar and transfer to the file of the Special Court of SC/ST Act Cases, Srivilliputhur for joint trial along with Spl.S.C.No.36 of 2016.

3.With the above direction, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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.II,
Virudhunagar.
2. The Sessions Judge,
Special Court of SC/ST Act Cases,
Srivilliputhur.
3. The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-12078[F] dated 15/03/2022)

Crl.O.P(MD)No.13182 of 2021
in
Crl.M.P(MD)No.6797 of 2021
14.03.2022

RS(29.03.2022) 3P-6C