IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY ,THE TWENTY NINTH DAY OF DECEMBER TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 9247 OF 2022

Between:

1. M/s. Sai Lakshmi Tulasi Ferrous Pvt. Ltd. Rep. by its Managing Director Leela Madhavi, W/o Ashok, aged about 45 years, R/o. Gundlapally, Prakasham District, A.P.
2. Leela Madhavi, W/o.Ashok, aged about 45 years, Occ Managing Director of M/s. Sai Lakshmi Tulasi Ferrous Pvt. Ltd., R/o. Gundlapally, Prakasham District, A.P.

.....PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, through Station House Officer, Subedari Police Station.
2. M/s. SN Traders, Rep. by its Managing Partner M/s. Medi Sravan Goud, R/o.H.No. 2-23, Pownoor Village, Jaipur Mandal, Mancherial District.

..... DEFACTO COMPLAINANTS/RESPONDENT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to the Cr.MP. No. 225 of 2022 in CC. No. 84 of 2018 on the file of the II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, at Mancherial and quash the same by allowing the Cr.MP. No. 225 of 2022 in CC.No. 84 of 2018 on the file of the II Addl. Junior Civil Judge-cum- Judicial Magistrate of First Class, at Mancherial to club the 4 cases i.e. CC.No. 84 of 2018, C.C.No. 270 of 2018, C.C. No. 363/2018 and C.C. No. 387/2019 for the speedy disposal of the cases

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in C.C.No. 84 of 2018, C.C.No. 270 of 2018, C.C.No. 363/2018 and C.C. No. 387/2019 on the file of the II Addl. Junior Civil Judge-cum-Judicial Magistrate of First Class, at Mancherial, pending disposal of the criminal petition

I.A. NO: 2 OF 2022

Between

M/s. SN Traders, Rep. by its Managing Partner M/s. Medi Sravan Goud, R/o.H.No. 2-23, Pownoor Village, Jaipur Mandal, Mancherial District.

..... VACATE **PETITIONER/RESPONDENT NO 2**

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, through Station House Officer, Subedari Police Station.

.....RESPONDENT NO 1

2. M/s. Sai Lakshmi Tulasi Ferrous Pvt. Ltd. Rep. by its Managing Director Leela Madhavi, W/o Ashok, aged about 45 years, R/o. Gundlapally, Prakasham District, A.P.

3. Leela Madhavi, W/o Ashok, aged about 45 years, Occ Managing Director of M/s. Sai Lakshmi Tulasi Ferrous Pvt. Ltd., R/o. Gundlapally, Prakasham District, A.P.

..... **.....RESPONDENT NOS 2 & 3 PETITIONER NOS 1 & 2**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the interim order dt. 20.10.2022 passed in I.A.No.1 of 2022 and to dismiss the above Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N INDRASENA REDDY ,Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.1 and of M/S SUJITH JAISWAL Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.9247 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") by the petitioners – Accused questioning the order passed by the II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class at Mancherial in Crl.M.P.No.225 of 2022 in C.C.No.84 of 2018.

2. The 2nd respondent filed four cases against the petitioners. Three other cases are pending for the very same offence under Section 138 of Negotiable Instruments Act (for short "the Act") which are C.C.No.270 of 2018, 363 of 2019 and 387 of 2019. All the four complaints are before the II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class at Mancherial.

3. Heard learned counsel for the petitioners and learned counsel for the 2nd respondent.

4. The learned counsel appearing for the petitioners submits that since all the four complaints are filed by the very same complainant against the accused, they can be tried together.

5. Learned counsel for the 2nd respondent – complainant submits that there is a prohibition under 219 Cr.P.C. whereby more than three cases cannot be tried together.

6. Section 219 of Cr.P.C. read as follows:

> 219. Three offences of same kind within year may be charged together.—
> (1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, whether in respect of the same person or not, he may be charged with, and tried at one trial for, any number of them not exceeding three.
> (2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code (45 of 1860) or of any special or local law:
> Provided that, for the purposes of this section, an offence punishable under section 379 of the Indian Penal Code (45 of 1860) shall be deemed to be an offence of the same kind as an offence punishable under section 380 of the said Code, and that an offence punishable under any section of the said Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.

7. The said provision has no application in the present facts of the case, when four cases are filed aggrieved by bounding of cheques under Section 138 of NI Act.

8. Section 219 deals with three offences of the same kind which are committed during the course of one year which can be tried

together in one case by framing charges. There are four different cases filed separately and not one case.

9. For the convenience of both the parties, it is desirable that all the four cases shall be tried together. Similar orders were passed by the Hon'ble Supreme Court in case of *Vani Agro Enterprises v. State of Gujarat*[1].

10. With the said directions, the Criminal Petition is disposed off. It is needless to say that the said cases shall be tried together for the purpose of convenience and basing on the facts of each case, the individual case shall be determined.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, at Mancherial District
2. The Station House Officer, Mancherial Police Station Mancherial Mancherial District
3. One CC to SRI N INDRASENA REDDY, Advocate [OPUC]
4. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to M/S SUJITH JAISWAL, Advocate [OPUC]
6. Two CD Copies

HIGH COURT

DATED:29/12/2022

ORDER
CRLP.No.9247 of 2022

DISPOSING OF THE CRIMINAL PETITION

(9) VLD
9/2/23