



W.P.No.4201 of 2021

W.P.No.4201 of 2021 and
W.M.P.Nos.4795 and 7493 of 2021

SUNDER MOHAN,J

Today, the above matter is listed under the caption 'For being spoken to'.

2.It is brought to the notice of this Court that in last line of the paragraph 5 of the Judgment of this Court dated 28.06.2023 made in W.P.No.4201 of 2021 and W.M.P.Nos.4795 and 7493 of 2021, C.C.Number has been mentioned as 21/2023 instead of “C.C.No.21/2013”.

3. In view of the above, paragraph 5 of the Judgment of this Court dated 28..06.2023 reads as follows:

“5. This Court is of the view that the allegations in the final report in the above calendar cases are the same. Section 220 of Cr.P.C. reads as follows:-

“220. Trial for more than one offence. — (1) *If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.”*

Admittedly, all the students were admitted in the same college and paid



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capitation fees and since the allegations are same, Section 220 (1) of Cr.P.C. would be applicable to the facts of the case. Hence, it is desirable to club all these cases together to avoid multiplicity of proceedings, conflict of decision and to ensure speedy trial. Hence, this Court directs that the final reports in C.C.Nos.22/2013, 23/2013, 24/2013, 25/2013, 160/2015, 161/2015, 162/2015, 234/2015, C.C.No.92/2018, 61/2018, 62/2018, 63/2018, 64/2018, 60/2018, 80/2018, 81/2018, 82/2018, 83/2018, 106/2018, 108/2018, 37/2019, 1/2019, 36/2019, 38/2019, 39/2019, 79/2018 and 284/2013 shall be clubbed with **C.C.No.21/2013** and tried as a single calendar case.

4.Registry is directed to issue order copy after carrying out the above corrections. The other contents of the Judgment of this Court dated 28.06.2023 shall remain unaltered.

28.07.2023

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W.M.P.Nos.4795 and 7493 of 2021

28.07.2023



W.P.No.4201 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No. 4201 of 2021

and

W.M.P.Nos.4795 and 7493 of 2021

T.D.Naidu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
District Crime Branch
Thiruvallur District.

... Respondent

PRAYER: Writ Petition filed under Section 226 of the Constitution of India directing the respondents to withdraw all the above said final reports pending on the file of the learned Judicial Magistrate, Thiruthani and to file a single Final Report.

For Petitioner : M/s.A.Saravanan

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor



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ORDER

The Writ Petition is filed for a direction to club all the final reports filed against the petitioner and to file a single final report in the interest of justice.

2. It is the case of the prosecution in all the cases that the de facto complainants were illegally admitted by the college without appropriate approval and capitation fees was collected from all the de facto complainant by the petitioner during admission and since the petitioner could not complete the course, the de facto complainants were cheated of the amounts that they had paid to the petitioner.

3. It is submitted by the learned counsel for the petitioner that in all 71 students had filed complaints either before the respondent police or before the Inspector of Police, Kanakammachatram Police Station. Subsequently, all the complaints after registration were transferred to the file of the respondent police. The respondent police had investigated 49 FIRs and filed 27 final reports combining a few FIRs in some of the final reports.



It is also stated that the final reports in respect of 21 FIRs have already been filed and yet to be taken on file and one FIR in Crime No.11/2020 is pending investigation and the final report is yet to be filed. It is further submitted by the learned counsel that since 27 final reports are pending trial before the learned Magistrate pertaining to similar complaints, the said cases may be tried together. The learned counsel also relied upon a judgement of the Hon'ble Supreme Court in *Writ Petitoin(s) (Criminal) No(s).197/2021 - Satinder Singh Bhasin Vs. The State of Uttar Pradesh & Anr.* where the Hon'ble Supreme Court in similar circumstance had held that the cases can be merged and tried together to avoid multiplicity of proceedings and also to avoid conflict of decisions.

4. The learned Additional Public Prosecutor has no objection for clubbing of the final reports and trial to be conducted in one C.C. in respect of 27 final reports which are listed as follows:-

“C.C.Nos.21/2013, 22/2013, 23/2013, 24/2013, 25/2013, 160/2015, 161/2015, 162/2015, 234/2015, C.C.No.92/2018, 61/2018, 62/2018, 63/2018, 64/2018, 60/2018, 80/2018, 81/2018, 82/2018, 83/2018, 106/2018, 108/2018, 37/2019, 1/2019, 36/2019, 38/2019, 39/2019, 79/2018 and 284/2013.”



5. This Court is of the view that the allegations in the final report in the above calendar cases are the same. Section 220 of Cr.P.C. reads as follows:-

“220. Trial for more than one offence. — (1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.”

Admittedly, all the students were admitted in the same college and paid capitation fees and since the allegations are same, Section 220 (1) of Cr.P.C. would be applicable to the facts of the case. Hence, it is desirable to club all these cases together to avoid multiplicity of proceedings, conflict of decision and to ensure speedy trial. Hence, this Court directs that the final reports in C.C.Nos.22/2013, 23/2013, 24/2013, 25/2013, 160/2015, 161/2015, 162/2015, 234/2015, C.C.No.92/2018, 61/2018, 62/2018, 63/2018, 64/2018, 60/2018, 80/2018, 81/2018, 82/2018, 83/2018, 106/2018, 108/2018, 37/2019, 1/2019, 36/2019, 38/2019, 39/2019, 79/2018 and 284/2013 shall be clubbed with C.C.No.21/2023 and tried as a single calendar case.



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6. However, the learned Magistrate may frame separate charges in respect of each victim. For instance, if the final report in respect of 'A' student alleges commission of five offences and the learned Magistrate considers framing of 5 charges, charges 1 to 5 would pertain to 'A' student. Similarly, if number of charges in respect of 'B' student is 4, charges 6 to 9 may be framed against 'B' student. Likewise, the charges may be framed in respect of offences committed against other students.

7. With the above directions, the Writ Petition is allowed. Consequently, connected Miscellaneous Petitions are closed. No Costs.

28.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To,

1. The Inspector of Police,
District Crime Branch
Thiruvallur District.

2. The Judicial Magistrate, Thiruthani.



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