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CrI.O.P.Nos.4481 & 4478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.Nos.4481 & 4478 of 2023

&

CrI.M.P.No.2811 of 2023

Mohan @ Jim Mohan

... Petitioner in both CrI.O.P.'s

/vs/

State through Inspector of Police,
Samalpatti Police Station,
Uthangarai,
Krishnagiri District.

...Respondent in CrI.O.P.No.4481 of 2023

- 1.Lakshmanan
- 2.Pugazhendhi
- 3.Subash
- 4.Raman
- 5.Baskar
- 6.Satheesh
- 7.Sakthivel
- 8.Govindaraj
- 9.Anbu
- 10.State through Inspector of Police,
Samalapatti Police Station
(In Cr.No.53/2019 of Samalpatti P.S)

...Respondents in CrI.O.P.No.4478 of 2023



Crl.O.P.Nos.4481 & 4478 of 2023

Prayer in Crl.O.P.No.4481 of 2023: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records of the Impugned Docket Order dated 02.02.2023 passed in S.C.No.181 of 2019, on the file of Hon'ble Additional District and Sessions Court, Krishnagiri and to set aside the same and consequently direct the Hon'ble Additional District and Sessions Court, Krishnagiri to re-fix the date of trial after the disposal of Transfer Petition in Crl.M.P.No.505 of 2023 pending on the file of the Hon'ble Principal District Judge, Krishnagiri.

Prayer in Crl.O.P.No.4478 of 2023: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to issue a direction to the Hon'ble Principal District Judge, Krishnagiri for a speedy disposal of the case in Crl.M.P.No.505 of 2023 pending on the file of the Hon'ble Principal District Judge, Krishnagiri to dispose of the same.

For both Crl.O.P.'s
For Petitioner ... Mr.T.Gowthaman, Senior Counsel
for M/s.S.Deepika

For Respondents ... -

For Intervenor ... Mr.V.S.Mannarsamy

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records of the Impugned Docket Order dated 02.02.2023 passed in



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S.C.No.181 of 2019, on the file of Hon'ble Additional District and Sessions

Court, Krishnagiri and to set-aside the same and consequently direct the Hon'ble Additional District and Sessions Court, Krishnagiri to re-fix the date of trial after the disposal of Transfer Petition in Crl.M.P.No.505 of 2023 pending on the file of the Hon'ble Principal District Judge, Krishnagiri and to issue a direction to the Hon'ble Principal District Judge, Krishnagiri for a speedy disposal of the case in Crl.M.P.No.505 of 2023 pending on the file of the Hon'ble Principal District Judge, Krishnagiri.

2. Learned counsel for the petitioner submitted that petitioner is one of the accused in Crime No.51 of 2019 on the file of the Samalpatti Police Station registered for the offences under Sections 147, 148, 323, 324, 326, 307 and 302 of IPC. After filing final report, this case was taken cognizance in S.C.No.181 of 2019 on the file of the Additional District and Sessions Court, Krishnagiri. He further submitted that the petitioner is the *de-facto* complainant in Crime No.53 of 2019 on the file of the Samalpatti Police Station. The respondent police filed a negative final report closing the case as 'Mistake of Fact'. Challenging the negative final report, petitioner filed a protest petition. The protest petition was allowed and



final report filed in Crime No.53 of 2019, was considered and the case was taken on file in C.C.No.15 of 2020. Without considering that case was taken on file in C.C.No.15 of 2020, on the basis of previous final report filed in Crime No.53 of 2019, the learned Judicial Magistrate, Uthangarai had closed the FIR as 'Mistake of Fact'. Now both the cases in S.C.No.181 of 2019 and C.C.No.15 of 2020 are ready for trial. Petitioner filed transfer petition in Tr.O.P.No.505 of 2023 before the learned Principal Sessions Judge, Krishnagiri for transferring C.C.No.15 of 2020 to try along with S.C.No.181 of 2019.

3. It is his further submission that, though he has sought for a direction to call for the records of the Impugned Docket Order dated 02.02.2023 passed in S.C.No.181 of 2019, on the file of Hon'ble Additional District and Sessions Court, Krishnagiri and to set-aside the same and consequently direct the Hon'ble Additional District and Sessions Court, Krishnagiri to re-fix the date of trial after the disposal of Transfer Petition in Crl.M.P.No.505 of 2023 pending on the file of the Hon'ble Principal District Judge, Krishnagiri and to issue a direction to the Hon'ble Principal District Judge, Krishnagiri for a speedy disposal of the case in



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Tr.CrI.M.P.No.505 of 2023 pending on the file of the Hon'ble Principal District Judge, Krishnagiri, now he restricts his prayer only to the extent of seeking direction to the learned Principal Sessions Judge, Krishnagiri to dispose of the transfer petition in Tr.CrI.M.P.No.505 of 2023 within a time prescribed by this Court.

4. Mr.V.S.Mannarsamy, learned counsel seeks time to file intervening petition for the *de-facto* complainant in S.C.No.181 of 2019.

5. In light of the modified prayer now sought for by the learned counsel for the petitioner, this Court is of the view that impleadment of the *de-facto* complainant in S.C.No.181 of 2019 is not necessary. This court directs the learned Principal District Sessions Judge, Krishnagiri to dispose of the Tr.CrI.M.P.No.505 of 2023 after giving notice to the other side and hearing the parties preferably within a period of two weeks from the date of receipt of copy of this order. Till the disposal of the transfer petition, the learned Additional District Judge, Krishnagiri and learned Judicial Magistrate, Uthangarai are advised not to proceed with the trial of the cases in S.C.No.181 of 2019 and C.C.No.15 of 2020.



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6. Accordingly, both the Criminal Original petitions are disposed

of. Consequently, connected miscellaneous petition is closed.

28.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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To

- 1.The Inspector of Police,
Samalpatti Police Station,
Uthangarai,
Krishnagiri District.
- 2.The Principal District Sessions Judge,
Krishnagiri.
3. The Additional District Judge,
Krishnagiri.
- 4.The Judicial Magistrate,
Uthangarai.
- 5.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

mpl

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