



Crl.O.P.(MD).No.4015 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.4015 of 2023
and Crl.M.P.(MD).No.3586 of 2023

1.Ram Kumar

2.Jaya Kumar

... Petitioners/Accused Nos.4 and 5

Vs.

1.The State represented through
Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Virudhunagar District.

2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.181 of 2022)

3.The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
(Crime No.123 of 2022)

... Respondents/Complainants

4.Seenivasan

5.Porali @ Prabhakaran

6.Vijay

7.Alagumurugan

... Respondents 4 to 7

(Respondents 4 to 7 were impleaded as per the order of this Court in
Crl.M.P.(MD).No.4193 of 2023 dated 14.03.2023)



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PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the Sessions Judge, Mahila court, Srivilliputhur to join the charges in order to conducting the trials together in S.C No. 229 of 2022 and S.C No. 214 of 2022 on the file of the Sessions Judge Mahila court, Srivilliputhur, Virudhunagar District.

For Petitioners : Mr.S.M.A.Jinnah

For Respondents : Mr.K.Nambiselvan for R1 to R3
Additional Public Prosecutor

Mr.J.Jagadeesan for R4

No Appearance for R5 to R7

ORDER

Seeking direction to frame joint charges in respect of the Cr.No. 181 of 2022 on the file of Aruppukottai Town Police Station and Cr.No. 123 of 2022 on the file of Aruppukottai Taluk Police Station.

2.By the order dated 01.06.2023, a report has been called for from the trial Court as to the stage of the trial process. Letter has been submitted by the trial Judge, stating that S.C.No.229 of 2022 and S.C.No. 214 of 2022 are pending for framing of charges.



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3.The learned Additional Public Prosecutor would submit that both the cases are different transactions. So joint charges cannot be taken.

4.Reading of the final report in both the matters shows that it is continuous transactions. The victim alleged to have been kidnapped on 22.08.2022 or abducted as the case may be, taken to some other place and where, she was subjected to sexual assault. Depending upon the place of occurrence, different crime numbers has been registered in two different police stations. Since it is continuous transaction, there can be no difficulties in framing joint charges. So that the prosecution as well as the defence will be benefited.

5.Since the allegations and the defence going to be taken by the accused are one and the same in both the matters, there shall be a direction to the Sessions Judge, Mahila Court, Srivilliputhur, to frame joint charges in both the matters and conduct single trial by clubbing both the Sessions cases.



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6.With the above said directions, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

07.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Sessions Judge Mahila court, Srivilliputhur, Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Virudhunagar District.
- 3.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
- 4.The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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