



Crl.O.P.(MD)No.3368 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3368 of 2023

and

Crl.M.P.(MD)No.3056 of 2023

R.Ashok Kumar

... Petitioner

Vs.

1.The State rep. by the Sub Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.216 of 2015.

2.Thangavel

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction to conduct joint trial of the case in S.C.No.697 of 2022 pending on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District and in S.C.No.445 of 2018 pending on the file of the learned III Additional District and Sessions Judge, Tirunelveli.

For Petitioner : Mr.G.Thalaimutharasu,

For R1 : Mr.R.Sivakumar,
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.(MD)No.3368 of 2023

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to issue a direction to conduct joint trial of the case in S.C.No.697 of 2022 pending on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District and in S.C.No.445 of 2018 pending on the file of the learned III Additional District and Sessions Judge, Tirunelveli.

2. The learned counsel for the petitioner would submit that both the cases in S.C.No.445 of 2018 and S.C.No.697 of 2022 are case in counter cases. He would further submit that the accused in S.C.No.445 of 2018 are witnesses in Crime No.215 of 2015 pending on the file of the learned III Additional District and Sessions Judge, Tirunelveli and the accused in Crime No.216 of 2015 are cited as witnesses in S.C.No.697 of 2022 pending on the file of the Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District.



Crl.O.P.(MD)No.3368 of 2023

WEB COPY

3. The grievance of the petitioner is that both the cases are arising out of case in counter cases. Both cases must be tried simultaneously by the concerned Court. If it has been tried by the separate Courts, it would cause inconvenience and also which is not permissible under law.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that in S.C.No.697 of 2022, concerned seven witnesses have been examined sofar, in S.C.No.445 of 2018 concerned, it is under framing of charges.

5. In view of the above said developments, the trial in S.C.No.697 of 2022 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District, is kept in abeyance, till the receipt of records in S.C.No.445 of 2018. In the meantime, S.C.No.445 of 2018, which is pending on the file of the learned III Additional District and Sessions Judge, Tirunelveli, is transferred to the file of the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District. The learned III Additional District and Sessions Judge, Tirunelveli, is



Crl.O.P.(MD)No.3368 of 2023

directed to transmit the entire case records to the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District and on receipt of the same, the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District, is directed to proceed the trial process simultaneously.

6. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

22.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

- 1.The III Additional District and Sessions Judge,
Tirunelveli.
- 2.The Sessions Judge, Mahila Court,
Tirunelveli, Tirunelveli District.
- 3.The Sub Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.3368 of 2023

G.ILANGOVAN,J.

das

Order made in
Crl.O.P.(MD)No.3368 of 2023
and
Crl.M.P.(MD)No.3056 of 2023

Dated: 22.02.2023