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CrI.O.P.(MD)No.16240 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) Nos.16240, 16241, 16243, 16244, 16249 of 2023

and

CrI.M.P(MD) Nos.12932, 12933, 12935, 12936, 12934, 12937, 12940, 12939, 12944, 12945 of 2023

Dr.S.S.Sandhya

... Petitioner/Sole Accused

Vs.

C.Dinesh Prabu

...Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct to conduct joint trial of the cases in C.C.No.16/2022 from the file of the Fast Track Court, Judicial Magistrate, Eraniel, and STC.No.96 of 2022 on the file of the Judicial Magistrate, Fast Track Court, Nagercoil, before the Judicial Magistrate Fast Track Court, Nagercoil or any other competent Court in Nagercoil.

For Petitioner in
all the matters

: Mr.M.Karunanithi

For Respondent
in CrI.O.P(MD) Nos.
16240, 16241, 16244

: Mr.T.Wins



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Crl.O.P.(MD)No.16240 of 2023



For Respondent in
Crl.O.P(MD) No.16249
of 2023

: No Appearance

For Respondent in
Crl.O.P(MD) No.16243
of 2023

: Mr.N.Muthuvelsamy

ORDER

These Criminal Original Petitions are filed to conduct joint trial in C.C.No.16 of 2022 on the file of the learned Fast Track Judicial Magistrate Court, Eraniel, C.C.No.32 of 2022. The learned Judicial Magistrate Court, Valliyoor, S.T.C.No.218 of 2022 on the file of the Fast Track Court, Judicial Magistrate Court, Theni, S.T.C.No.554 of 2022 on the file of the Judicial Magistrate Court No.I, Padmanabhapuram and S.T.C.No.630 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi, Kanyakumari District, to the file of the Judicial Magistrate Fast Track Court, Nagercoil, along with S.T.C.No.96 of 2022.

2. The defence of the learned counsel for the petitioner in all the matter is that the petitioner issued blank cheques in favour of one Dinesh Prabu, S/o.Chandran, as security at that time of borrowing the amount of Rs.7,00,000/- , later, he settled the amount. But, the cheques issued by



the petitioner are misused and given to his friends, over which, several complaints have been registered under Section 138 of NI Act by different persons before different Courts.

3. In this regard, the petitioner gave a complaint before District Crime Branch, Kanyakumari, and the same was registered in Crime No. 30 of 2023, in which, investigation is completed and Final Report is also filed before the learned Judicial Magistrate No.III, Nagercoil. It was taken cognizance in C.C.No.998 of 2023 and it is posted for appearance of accused persons.

4. According to the learned counsel for the petitioner, if all the cases are tried in separate Courts, there is possibility of conflict on observations and findings also.

5. The grievance of the petitioner is reasonable and genuine. On that ground, all the matter can be tried by the same Court simultaneously along with private complaints filed by the several persons shown as respondents in all the matters.



6. The respondent in Crl.O.P(MD) No.16243 of 2023 would submit that he is doing business in Theni. If the case in S.T.C.No.218 of 2022 pending on the file of the Fast Track Court, Judicial Magistrate, Theni, is transferred to some other Court, he has to travel long distance to the transferee Court. It may affect his personal and business activities. On that ground, he made strong objection to transfer the above said case.

7. But however, considering the above said facts that all the cases are interconnected, the defence that is going to be taken by the petitioner is also interconnected, so, the grievance that is expressed by the petitioner is proper and reasonable as noted above. On that ground, let the case in C.C.No.16 of 2022 on the file of the learned Fast Track Judicial Magistrate Court, Eraniel, S.T.C.No.218 of 2022 on the file of the Fast Track Court, Judicial Magistrate Court, Theni, S.T.C.No.554 of 2022 on the file of the Judicial Magistrate Court No.I, Padmanabhapuram and S.T.C.No.630 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi, Kanyakumari District, S.T.C.No.96 of 2022 on the file of the Judicial Magistrate Fast Track Court, Nagercoil, be transferred to the file of the learned Judicial Magistrate Court, Vallioor, and conduct simultaneous trial along with C.C.No.32 of 2022.



8. The learned Judicial Magistrate Court, Valliyoor, is directed to receive all the matters, assign new numbers to the same, tried the same simultaneously and pronounce judgement on the same day itself.

9. The learned Fast Track Judicial Magistrate Court, Eraniel, Fast Track Court, Judicial Magistrate Court, Theni, Judicial Magistrate Court No.I, Padmanabhapuram, District Munsif cum Judicial Magistrate Court, Boothapandi, Kanyakumari District, Judicial Magistrate Fast Track Court, Nagercoil, are directed to transmit all the matters immediately to the learned Judicial Magistrate Court, Valliyoor.

10. With the above said directions, this Criminal Original Petition is disposed of.

30.11.2023

Index : Yes/No

Internet : Yes/No

Indu



CrI.O.P.(MD)No.16240 of 2023

G.ILANGOVAN. J.

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To

- 1.The learned Fast Track Judicial Magistrate Court,
Eraniel.
- 2.The Fast Track Court, Judicial Magistrate Court, Theni,
- 3.The Judicial Magistrate Court No.I, Padmanabhapuram,
- 4.The District Munsif cum Judicial Magistrate Court,
Boothapandi, Kanyakumari District.
- 5.The Judicial Magistrate Fast Track Court, Nagercoil.
- 6.The learned Judicial Magistrate Court, Valliyoor.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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