



Crl.O.P.(MD)No.17121/2019 & 16244/2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

CORAM:

THE HONOURABLE **MR JUSTICE SUNDER MOHAN**

Crl.O.P(MD)No.16244 of 2016

and

Crl.M.P(MD)No.7920 of 2016

and

Crl.O.P(MD)No.17121 of 2019

and

Crl.M.P(MD)No.10125 of 2019

Crl.O.P(MD)No.16244 of 2016

Sanjith

... Petitioner/Accused 4

Vs.

1.State Rep. by Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.304 of 2013)

..Respondent-1/Complainant

2.Raja

.. Respondent-2/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the S.C.No.95 of 2015, now pending before the Subordinate Court,



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Padmanabapuram and to quash the same, in so far as it relates to the petitioner concerned.

For Petitioner	: Mr.G.Aravinthan
For R1	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor
For R2	: No appearance

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Sanjith ... Petitioner/Accused No.7

Vs.

1.State Rep. by Inspector of Police, Thuckalay Police Station, Kanyakumari District. (Crime No.305 of 2013)	..Respondent-1/Complainant
2.Sankar	.. Respondent-2/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned Charge Sheet in S.C.No.201 of 2017, on the file of the learned Subordinate Court, Padmanabapuram, Kanyakumari District and quash the same as illegal, in so far as it relates to the petitioner concerned.

For Petitioner	: Mr.G.Aravinthan
For R1	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor
For R2	: No appearance



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COMMON ORDER

The petitioner in Crl.O.P(MD)No.16244 of 2016 is an accused No. 4 in S.C.No.95 of 2015 and he is also an accused No.7 in S.C.No.201 of 2017, on the file of the Sub-Court, Padmanabapuram, Kanyakumari District. He has filed these applications challenging both charge sheets.

2. The learned counsel for the petitioner would submit that both the cases are connected though they do not relate to the same incident and both the cases have been filed by the respondent police with malafide intention and none of the offences made out as against the petitioner.

3. The learned Additional Public Prosecutor appearing for the first respondent submits that the trial in S.C.No.95 of 2015 has been commenced and almost all the witnesses on the side of the prosecution have been examined. The case is posted to 25.01.2023 for examination of the Investigating Officer. He would further submit that since one



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cases is in the advance stage nearing completion i.e., S.C.No.95 of 2015, the other case in S.C.No.201 of 2017 also may be decided by the trial Court. Hence he prayed that the trial Court may be directed to try S.C.No.201 of 2017 simultaneously with S.C.No.95 of 2015 in the interest of justice.

4. A reading of the charge sheet in both the cases reveals that the incidents alleged in both the charge sheets are alleged to have taken place on the very same day. It is therefore, desirable that both the cases are tried simultaneously. Since S.C.No.95 of 2015 is nearing completion, this Court is not inclined to quash the said case at this stage and S.C.No. 201 of 2017 which has to be tried simultaneously. However, the petitioner is at liberty to raise all the points before the trial Court.

5.The learned Sub Judge, Padmanabapuram is directed to expedite the examination of witness in S.C.No.201 of 2017 and conduct trial along with the trial in S.C.No.95 of 2015 simultaneously and deliver the judgment on the same day in both the cases.



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6. This Court is therefore not inclined to quash the charge sheets in S.C.No.201 of 2017 and S.C.No.95 of 2015. It is needless to say that the petitioner can raise all the points before the trial Court. The Sub Judge, Padmanabapuram is directed to complete the trial within a period of four months in both the cases in S.C.No.95 of 2015 and S.C.No.201 of 2017, on the file of the learned Sub-Court, Padmanabapuram from the date of receipt of a copy of this order.

7. The appearance of the petitioner before the trial Court is dispensed with unless it is deemed necessary by the Sub Judge for the progress of trial.

8. With the above observations, these Criminal Original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Internet: Yes/No
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12.01.2023

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To

- 1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 2.The Subordinate Court,
Padmanabapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SUNDER MOHAN, J.,

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