



**Crl.O.P.(MD).No.18879 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 29.11.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

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1.R.Selvakumar  
2.R.Tamilselvam  
3.T.Selvam  
4.Muthuselvam

... Petitioners

**Vs.**

1.The State Through,  
The Inspector of Police,  
Tirumangalam Town Police Station,  
Madurai District.

2.Manimegalai  
3.K.Anand  
4.Pandi  
5.Rajasekhar  
6.Sivaraj Pandian  
7.Tamilmani Das  
8.Dhanasekarapandian  
9.Senbagaraja

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10.Sivalingam

11.Boominathan

12.Senbagaraja

13.Vimalraja

14.AAdhi Mannan

15.Ayyanar

16.Panapaandi

17.Pandi

18.Ravi

19.AArumugam

20.Muthusamy

21.Premkumar

22.Aravindakumar

23.Palpandi

24.Soundarapandi

25.Sivalingam

26.Silambarasan

27.Arunpandi

28.Thavaselvam



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29.Karuppasamy

30.Periyasamy

31.Vasudevan

32.Raja

...Respondents

(R4 to R32 are impleaded as per order of the Court dated 17.11.2023 in Crl.M.P.(MD).No.16346 of 2023 in Crl.O.P.(MD).No.18879 of 2023)

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to issue a direction to order for joint trial with S.C.No.386 of 2023 pending on the file of the Hon'ble Mahila Court, Madurai and S.C.No.389 of 2023 pending on the file of the Honble VI Additional District and Sessions Judge, Madurai to any one of the Court in Madurai District or any other District in accordance with law.

|                   |                     |
|-------------------|---------------------|
| For Petitioners   | : Mr.R.Alagumani    |
| For R1            | : Mr.M.Sakthi Kumar |
|                   | Government Advocate |
|                   | (Crl.side)          |
| For Respondents   | : Mr.M.Muthuselvan  |
| 7 to 11, 13 to 26 |                     |
| 28, 30 and 31     |                     |

### **ORDER**

This petition is filed seeking direction to order for joint trial with S.C.No.386 of 2023 pending on the file of the Hon'ble Mahila Court, Madurai and S.C.No.389 of 2023 pending on the file of the Honble VI



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Additional District and Sessions Judge, Madurai to any one of the Courts in Madurai District or any other District in accordance with law.

2.The case in S.C.No.386 of 2023 is pending on the file of the Mahila Court, Madurai District. Another case in S.C.No.389 of 2023 is pending before the VI Additional District Judge, Madurai.

3.The grievance of the petitioner is that since it is a continuous transaction, it desirable to try both the matter simultaneously.

4.The learned Government Advocate (Crl. Side) submitted that both the cases are counter occurrences. The first occurrence happened on 04.11.2015 at about 04.00 p.m. Over which, a case in Crime No.527 of 2015 was registered against the petitioners for the offences punishable under Sections 147, 148, 341, 294(b), 353, 324, 307 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. On the basis of the very same cause of action, another case was registered against the petitioners in Crime No.528 of 2015 for the offences punishable under Sections 147, 148, 341, 294(b), 188, 353 and



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307 of IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act. The second occurrence said to have happened on the very same day, but time differs.

5. In view of the above said counters occurrences, it is desirable both the case tried by the very same Court. So that the prosecution and accused may get benefit. But if tried by difference courts, there is every possibility of conflict of observations and judgments also. To avoid the above said undesirable consequential only, the proceedings in S.C.No. 389 of 2023 on the file of the VI Additional District and Sessions Judge, Madurai, is withdrawn and ordered to be transferred to the file of the learned Mahila Court, Madurai. The VI Additional District and Sessions Judge, Madurai, is directed to transmit the entire case records to the learned Mahila Court, Madurai within a period of one week from the date of receipt of copy of this order. After receiving the entire records from the VI Additional District and Sessions Judge, Madurai, the learned Mahila Court, Madurai, take the matter on file and assign a new number and also issue notice to the parties for their appearance. Let the trial process in S.C.No.386 of 2023, on the file of the learned Mahila Court, Madurai, be kept in abeyance till the both the cases are tried.



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

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NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
VSG

To

1. The Mahila Court,  
Madurai.
2. The VI Additional District  
and Sessions Judge,  
Madurai.
3. The Inspector of Police,  
Tirumangalam Town Police Station,  
Madurai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.ILANGOVAN,J.**

VSG

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