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Crl.O.P. No. 3145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.02.2024

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3072 of 2024

M.Perumal

.. Petitioner

Vs.

1.State of Tamil nadu rep by
The Inspector of Police,
C4, Veeramam Police station,
Salem city.

2. P.Priya

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of the both cases C.C.No 615 of 2020 pending before the IV Judicial Magistrate Salem and C.C.No 144 of 2021 pending before the Judicial Magistrates, Additional Mahila Court Salem and direct the IV Judicial Magistrate to conduct the joint trial in the both matters.

For Petitioners : Mr.P.Muralidharan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to club the case in CC No.615 of 2020 pending before the learned Judicial Magistrate IV, Salem and CC No.144 of 2021 pending before the Judicial Magistrate, Additional Mahila Court, Salem and transfer the case before the Additional Mahila Court to the file of the Judicial Magistrate IV, Salem, to be tried together.

2. Heard MR.P.Muralidharan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. The case of the petitioner is that he along with the 2nd respondent gave a complaint to the police against one Allimuthu on the ground that he tried to misbehave with the 2nd respondent. Based on that complaint, an FIR came to be registered in Crime No.450 of 2018 on 14.11.2018. Yet another complaint came to be given by one Palani father of Allimuthu, the husband of the 2nd respondent alleging that the petitioner had



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trespassed into the house and had attacked and caused injuries and had also criminally intimidated. Based on this complaint, an FIR came to be registered in Crime No.440 of 2018 on 07.11.2018.

4. The investigation in crime No.440 of 2018 was completed and a final report came to be filed before the Judicial Magistrate IV, Salem, which was taken on file in CC No.615 of 2020. In this case, the petitioner has been shown as the accused. Insofar as the investigation in crime No.450 of 2018, the same resulted in a final report which was taken on file by the learned Judicial Magistrate, Additional Mahila Court, Salem, in CC No.144 of 2021. According to the petitioner, both the cases related to the same incident and hence, it can be tried before the concerned Court and if two Courts try the case, it will result in multiplicity of proceedings and there are chances of contradictory orders being passed. Hence, the present petition has been filed seeking for clubbing both the cases to be tried before the concerned court.

5. It is also brought to the notice of this Court that insofar as



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CC No.615 of 2020, the trial has commenced and insofar as CC No.144 of 2021, it is at the stage of service of summons to the accused persons.

6. Taking into consideration the facts and circumstances of the case and the fact that both the cases are connected with each other, it will be more appropriate if the same Court tries both the cases. Whether a joint trial has to be conducted or a simultaneous trial must be conducted is something to be decided by the Trial Court. Hence, proceedings pending in CC No.615 of 2020 before the learned Judicial Magistrate IV, Salem is withdrawn and transferred to the file of Judicial Magistrate, Additional Mahila Court, Salem, where CC No.144 of 2021 is pending. As stated above, the decision to conduct a joint trial or simultaneous trial is left to the learned Judicial Magistrate. The learned Judicial Magistrate IV, Salem is directed to immediately transfer the case records to the file of learned Judicial Magistrate, Additional Mahila Court, Salem and this process shall be completed within a period of two weeks from the date of receipt of a copy of this order. Thereafter, both the cases shall be tried by the learned Judicial Magistrate, Additional Mahila Court, Salem, and it shall be completed as



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expeditiously as possible.

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7. This criminal original petition is disposed of with the above directions.

14.02.2024

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
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N. ANAND VENKATESH,J

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To

1. Judicial Magistrate, Additional Mahila Court, Salem
2. Judicial Magistrate IV, Salem
- 3.The Public Prosecutor,
High Court, Madras.

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14.02.2024