



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2496 of 2024
and CRL.M.P Nos.1791 & 1792 of 2024

K.Thamilarasan

...Petitioner

Vs.

D.M.Sivakumar

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to withdraw the STC No.154 of 2023 on the file of the Judicial Magistrate, Fast Track Court, Magistrate Level, Tiruvallur and transfer to the Judicial Magistrate No.4, Pudhucherry to try along with STC No.1809 of 2023 for purpose of joint trial.

For Petitioner : Mr.S.T.Raja

ORDER

This criminal original petition has been filed to transfer the case pending in STC No.154 of 2023 on the file of the learned Judicial Magistrate, Fast Track Court, Magesterial Level, Thiruvallur to the file of the learned Judicial Magistrate-IV, Puducherry to be tried along with STC No.1809 of 2023 and to try both the cases together.



WEB COPY

2.This Court has carefully considered the submissions made by the learned counsel for the petitioner and also the materials available on record.

3.The cause of action for filing STC No.154 of 2023 and the cause of action for filing STC No.1809 of 2023 are totally different. These two complaints are filed by two different individuals against the petitioner on the ground that the cheque issued by the petitioner was dishonored. The petitioner wants to raise a common defence in both these cases to the effect that the cheques were stolen by one Manjula and the same was misused and as a result, two different complaints came to be given in two different places against the petitioner. Such common defence cannot be a ground to transfer the case in STC No.154 of 2023 to the file of the learned Judicial Magistrate-IV, Puducherry. In any case, there is no question of conducting a joint trial in STC No.154 of 2023 and STC No.1809 of 2023, since each complaint arises out of a separate cause of action.

4.In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court. However, it is made clear that the petitioner can raise the defence before both the Courts and the same will be



considered on its own merits and in accordance with law. It is also made clear that the order that was passed by the learned Judicial Magistrate-IV, Puducherry in CrI,M.P.No.9608 of 2023, dated 22.12.2023, will also not be put against the petitioner, since that complaint was dismissed on the ground that the petitioner should raise the defence only before the concerned Court and cannot file a fresh complaint on the basis of such defence to be taken by the petitioner.

5.This criminal original petition is disposed of accordingly and there shall be a direction to the Courts below to complete the proceedings in STC No.154 of 2023 on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruvallur and the proceedings in STC No.1809 of 2023 on the file of learned Judicial Magistrate-IV, Puducherry, within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

08.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

(2/2)



WEB COPY



N.ANAND VENKATESH, J

SSR

To

- 1.The Judicial Magistrate, Fast Track Court, Magistrate Level, Tiruvallur.
- 2.The Judicial Magistrate No.4, Pudhucherry.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.2496 of 2024
and CRL.M.P Nos.1791 & 1792 of 2024

08.02.2024
(2/2)