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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5077 of 2024
and Crl.M.P.No.3695 of 2024

G.Eganathan

... Petitioner

Vs.

1.A.Kaliyamurthy

2.Sundari

3.K.Selvamani

4.M.Krishnamurthy

5.Kavitha

6.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.550 of 2012)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to pass an order of direction to conduct a joint trial of the case filed in C.C.No.186 of 2021 on the file of the Judicial Magistrate Court, Sirkazhi along with the S.C.No.4 of 2021 on the file of the Sub Court, Sirkazhi and to pass appropriate orders to conduct the joint trial in one and the same Court.



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For Petitioner : Mr.K.M.Subramanian

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R6

ORDER

This criminal original petition has been filed to withdraw the case pending in C.C.No.186 of 2021 on the file of the Judicial Magistrate Court, Sirkazhi and to transfer the same to the file of the Sub Court, Sirkazhi to be tried along with S.C.No.4 of 2021.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the 6th respondent.

3.It is brought to the notice of this Court that there is a case and counter which was investigated in Crime Nos.549 and 550 of 2012 by the respondent police. The investigation of the police resulted in filing only one final report before the learned Judicial Magistrate, Sirkazhi which was taken on file in PRC No.14 of 2017. The matter was thereafter committed to the file of the Sub Court, Sirkazhi and it was taken on file in S.C.No.4 of 2021. Insofar the other case is concerned, no final report was filed. Hence, the private complaint was filed by



the petitioner against the respondents and the same was taken on file in C.C.No.186 of 2021 by the learned Judicial Magistrate, Sirkazhi.

4.The present petition has been filed to try both the cases together on the file of the Sub Court, Sirkazhi, since a case and counter is involved and the matter pertains to the very same incident.

5.The learned Additional Public Prosecutor on instructions submitted that insofar as the case that is pending in C.C.No.186 of 2021 before the learned Judicial Magistrate Court, Sirkazhi, the case is at the stage of examination of LW1. Similarly, insofar as the the case that is pending before Sub Court, Sirkazhi, the case is almost at the stage of examining LW1. The former case is posted on 01.04.2024 and the latter is posted on 08.03.2024.

6.Taking into consideration the facts and circumstances of the case and the submission made on the either side, this Court has to necessarily transfer the case that is pending in C.C.No.186 of 2021 on the file of the learned Judicial Magistrate Court, Sirkazhi to the file of the Sub Court, Sirkazhi to be tried along with S.C.No.4 of 2021. Both the cases shall be dealt with by the Sub Court, Sirkazhi in line with the judgment of the Apex Court in ***Nathi Lal and***



others vs. State of Uttarpradesh and another reported in *1990 (Supp) SCC*

145. The learned Judicial Magistrate, Sirkazhi shall transfer the entire case papers in C.C.No.186 of 2021 to the file of the Sub Court, Sirkazhi, within a period of four weeks from the date of receipt of copy of this order. The learned Sub Court, Sirkazhi shall proceed further with both the cases and shall complete the same, as expeditiously as possible.

7.This criminal original petition is disposed of with the above directions.
Consequently, connected miscellaneous petition is closed.

04.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

- 1.The Judicial Magistrate Court,
Sirkazhi.
- 2.The Sub Court,
Sirkazhi.
- 3.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.



4. The Public Prosecutor,
High Court of Madras,
Chennai.



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N.ANAND VENKATESH,J.

SSR

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