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Crl.O.P.No.17611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.17611 of 2024

Gajendran

... Petitioner

Vs.

The Inspector of Police,
K-2, Ayanavanam Police Station,
Chennai-600 023.
Crime No.629/2019

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to transfer the case in C.C.No.860 of 2024 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai to the learned XVII Additional Sessions Court, Chennai to conduct trial in both the cases in S.C.No.386 of 2022 and C.C.No.860 of 2024 simultaneously.

For Petitioner : Ms.M.Kruthika

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to transfer the case in C.C.No.860 of 2024 pending on the file of the learned V Metropolitan



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Magistrate, Egmore, Chennai to the learned XVII Additional Sessions Court, Chennai to conduct trial in both the cases in S.C.No.386 of 2022 and C.C.No.860 of 2024 simultaneously.

2. The learned counsel appearing for the petitioner submits that C.C.No.860 of 2024 which is pending before the V Metropolitan Magistrate, Egmore and S.C.No.386 of 2022 pending on the file of the XVII Additional Sessions Court, Chennai arises from Crime Nos.629 & 630 of 2019 respectively. Both the cases are in respect of same transaction. Being a case and case in counter both the cases have to be tried by the same Judge as per the dictum of this Court.

3. However, final report in counter case which is filed before the V Metropolitan Magistrate is continued to be tried by the V Metropolitan Magistrate, Chennai. In respect of following the dictum of the Court, being the case and case in counter, wherein, the prosecution is unable to identify the aggressor, two final reports were filed. Since both the cases to be tried together, it is appropriate to conduct the trial in the same Court. Hence the case which is pending before the V Metropolitan



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Magistrate to be transferred to the XVII Additional Sessions Court, Chennai and tried simultaneously along with S.C.No.386 of 2022.

4. Accordingly, this Criminal Original Petition is allowed. C.C.No.860 of 2024 on the file of the V Metropolitan Magistrate, Egmore, Chennai shall be transferred to the learned XVII Additional Sessions Court, Chennai for simultaneous trial along with S.C.No.386 of 2022 .

25.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1. The XVII Additional Sessions Court, Chennai.

2.The V Metropolitan Magistrate, Egmore, Chennai.

3.The Inspector of Police,
K-2, Ayanavanam Police Station,
Chennai-600 023.

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



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Dr.G.JAYACHANDRAN,J.

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