



CrI.O.P.(MD)No.1374 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1374 of 2023

and

CrI.M.P.(MD)No.1219 of 2023

Jeyan

... Petitioner

Vs.

1.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

2.Jones

3.Benadictraj

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Subordinate Court, Kuzhithurai, Kanniyakumari District to conduct joint trial of the cases in S.C.No.55 of 2019 on the file of the Subordinate Court, Kuzhithurai, Kanniyakumari District and S.C.No.106 of 2022 on the file of the Subordinate Court, Kuzhithurai, Kanniyakumari District.

For Petitioner

: Mr.C.Muthu Saravanan

For R1

: Mr.M.Sakthi Kumar,
Government Advocate(CrI.side)



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For R2 & R3 : Mr.S.C.Herold Singh

ORDER

This criminal original petition has been filed to direct the Subordinate Court, Kuzhithurai, Kanniyakumari District to conduct joint trial of the cases in S.C.No.55 of 2019 and S.C.No.106 of 2022.

2.The case of the prosecution is that the private respondents herein are brothers and they are doing business. The petitioner herein worked under the second respondent. Due to some malpractices in the business, the second respondent terminated the petitioner. On 05.08.2018, when the private respondents were returning home, the petitioner and his brother waylaid them and started to abuse the second respondent in filthy language. The petitioner assaulted the second respondent with aruval and caused injuries on him. Hence, the third respondent preferred a complaint before the first respondent herein, based on which a case in Cr.No.154 of 2018 came to be registered and final report has also been filed in S.C.No.55 of 2019 before the Subordinate Court, Kuzhithurai,

Kanniyakumari.



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3. Thereafter, on 19.11.2018, the petitioner abused the private respondents in filthy language and also attacked the second respondent with iron rod. Therefore, the second respondent lodged a complaint before the respondent Police, based on which, a case in Cr.No.239 of 2018 was registered and final report has also been filed in S.C.No.106 of 2022 before the Subordinate Court, Kuzhithurai, Kanniyakumari.

4. The learned counsel appearing for the petitioner submits that in both cases, accused, defacto complainant and witnesses are same. Both cases are pending before the very same Court below. Therefore, he prays for a direction to the Court below to conduct joint trial in the above said cases.

5. It appears that the first incident taken place on 05.08.2018 and the second incident taken place on 19.11.2018. Therefore, this Court is not inclined to give a direction to the Court below to conduct joint trial, on the ground that the accused and the defacto complainant are one and the same in both cases. Accordingly, this criminal original petition is dismissed. However, it is open to the petitioner to file an application



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before the Subordinate Court, Kuzhithurai, Kanniyakumari for joint trial.

If any application filed by the petitioner, it is upto the learned trial Judge to take a decision. Consequently, connected miscellaneous petition is closed.

20.06.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

- 1.The Subordinate Court,
Kuzhithurai,
Kanniyakumari District.
- 2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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