



CRL OP(MD). Nos.3478 of 2021 and 5593 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). Nos.3478 of 2021 & 5593 of 2023 and
Crl.MP(MD) No.1915 of 2021

Crl.OP(MD) No.3478 of 2021:-

Nagarajan

... Petitioner

Vs.

1.The State rep by its
The Sub Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No.499/2010

2.Sivasami
3.Jeyaraman
4.Prabakaran
5.Pandi.

... Respondents

Crl.OP(MD) No.5593 of 2023:-

S.Jeyaraman

... Petitioner

Vs.



CRL OP(MD). Nos.3478 of 2021 and 5593 of 2023

1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

2.M.Nagarajan
3.S.Selvam
4.S.Vairamani
5.A.Sellamani

...Respondents

Prayer in CrI.OP(MD) No.3478 of 2021:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned order dated 19.01.2021 made in Cr.M.P.No.555 of 2020 in CC No.71 of 2018 on the file of the learned Judicial Magistrate Court, Thirumangalam.

Prayer in CrI.OP(MD) No.5593 of 2023:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Thirumangalam, Madurai District to conduct a trial of CC No.917 of 2022 jointly along with CC No.71 of 2018 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District for disposal.

For Petitioner : Mr.M.S.Jeyakarthick
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)
(In CrI.OP(MD) No.3478 of 2021)



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For Petitioner : Mr.J.Selvin Rajesh
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)
For R2 to R5 : Mr.M.S. Jeyakarthick
(In Crl.OP(MD) No.5593 of 2023)

COMMON ORDER

Crl.OP(MD) No.3478 of 2021 is filed challenging the order passed by the learned Judicial Magistrate, Thirumangalam in Cr.M.P.No.555 of 2020 in CC No.71 of 2018, dated 19.01.2021, in dismissing the application filed by the petitioner under Section 91 of Cr.P.C.

2. Crl.OP(MD) No.5593 of 2023 is filed seeking a direction to the learned Judicial Magistrate, Thirumangalam to conduct a joint trial of cases in CC No.917 of 2022 along with CC No.71 of 2018 pending on his file.

3.Insofar as the petition in Crl.OP(MD) No.3478 of 2021 is concerned, the learned Judicial Magistrate, Thirumangalam has dismissed the application, which was filed by the petitioner,



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Nagarajan in Cr.M.P.No.555 of 2020 in CC No.71 of 2018 by his order dated 19.01.2021 on the ground that the petitioner has not furnished any details about the doctor, who has given treatment and no valid reasons have been stated by the petitioner to serve summons on such unknown person even before the framing of charges. The learned Magistrate has further stated that charges as against the accused have not yet been framed and the prosecution evidence is yet to be commenced. This Court does not find any infirmity in the order passed by the learned Magistrate, Thirumangalam. **Accordingly, Crl.OP(MD) No.3478 of 2021 is dismissed.**

4. Crl.OP(MD) No.5593 of 2023 is filed seeking for a direction for joint trial in CC No.917 of 2022 along with CC No.71 of 2018 that the complaints have been lodged by the petitioner and the defacto complainant as a case and counter case. Based on the complaints given by the respective parties, cases have been registered and the same was taken on file in CC No.71 of 2018 and also in CC No.917 of 2022.



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5. Since these cases are case and counter case, this Court is of the view that it is the discretion of the trial Court to conduct the trial in both the cases jointly or independently. Accordingly, **Crl.OP(MD) No.5593 of 2023 is also dismissed.** Consequently, connected Miscellaneous Petition is closed.

20.06.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

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TO

1. The Judicial Magistrate Court, Thirumangalam.
2. The Sub Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
3. The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI,J

VRN

Order made in
CRL OP(MD). Nos.3478 of 2021 & 5593 of 2023 and
Crl.MP(MD) No.1915 of 2021

Date : 20/06/2024