

Crl.R.C.(MD)No.903 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.903 of 2025

and

Crl.M.P(MD)Nos.9628 & 9629 of 2025

C.M.Kingslin Jebakumar

... Petitioner/Petitioner

Vs.

The State of Tamil Nadu,
Through the Inspector of Police,
Karungal Police Station,
Rep.by the Public Prosecutor,
Kanyakumari District at Nagercoil.

... Respondent/Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, to call for the records of the order dated 22.04.2025 passed in Crl.M.P.No.4494 of 2024 on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil, set aside the same.

For Petitioner : Mr.C.T.Perumal

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)



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ORDER

Challenging the order passed by the Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.4494 of 2024, dated 22.04.2025, this criminal revision case is filed.

2. The petitioner is the accused in S.C.No.116 of 2017 on the file of the Additional District Court, Padmanabhapuram and the complainant in C.C.No.413 of 2020 on the file of Judicial Magistrate Court, Eraniel. He filed an application under Section 449(2) of BNSS seeking to transfer the case in C.C.No.413 of 2020 in Crime No.412 of 2015 on the file of Judicial Magistrate Court, Eraniel to the learned Additional District Court, Padmanabhapuram for joint trial along with S.C.No.116 of 2017 in Crime No.399 of 2015.

3. The claim of the petitioner is that the respondent police has registered a case in Crime No.412 of 2015 against one Gnanasigamony and 7 others based on the complaint lodged by the petitioner for the offences punishable u/s 147, 148, 427, 294(b) and 506(ii) of IPC and a counter complaint was filed against the petitioner and 5 others by one



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R.Maria Stella and F.I.R came to be filed in Crime No.399 of 2015 for the offences punishable u/s 147, 148, 294(b) and 506(ii) of IPC and Section 3(i) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. In this regard, C.C.No.413 of 2020 on the file of Judicial Magistrate Court, Eraniel is pending and S.C.No.116 of 2017 is pending on the file of Additional District Court, Padmanabhapuram. Claiming the same as case and case in counter, the petitioner had filed transfer petition requiring the Principal Sessions Judge to transfer the case pending before Judicial Magistrate Court, Eraniel to Additional District Court, Padmanabhapuram for the purpose of conducting joint trial. However, the learned Principal Sessions Judge rejected the petitioner's claim and had passed the impugned order. Challenging the same, this criminal revision case is filed.

4. The learned counsel for the petitioner submitted that in the case which is pending before the Additional District Court, Padmanabhapuram, the petitioner is the accused which was registered at the instance of the accused party in Crime No.412 of 2015 pending on the file of the Judicial Magistrate Court, Eraniel.



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5. On 02.07.2025, one R.Maria Stella lodged a complaint as against the petitioner and 5 others that they have entered into the property which she had purchased from the petitioner himself earlier and had obstructed her exclusive possession and enjoyment over the said property by trying to put up a compound wall which was thwarted by her timely intervention. For which, F.I.R in Crime No.399 of 2015 came to be registered. Later, claiming that the said R.Maria Stella and few others had trespassed into his property and damaged the crops standing therein, the petitioner had lodged a complaint before the respondent police. However, only after a period of 5 days, i.e., 07.07.2025, F.I.R in Crime No.412 of 2015 came to be registered as against R.Maria Stella and others. In this regard, two cases were taken cognizance in S.C.No.116 of 2017 on the file of Additional District Court, Padmanabhapuram and C.C.No.413 of 2020 on the file of Judicial Magistrate Court, Eraniel.

6. Claiming the two cases as the incidents arising out of one quarrel, the petitioner filed an application seeking joint trial to transfer the case before the Judicial Magistrate Court, Eraniel to Additional District Court, Padmanabhapuram and the learned counsel for the



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petitioner further submitted that the impugned order is unsustainable and pressed for allowing the criminal revision case.

7. Per contra, the learned Government Advocate (Crl.Side) submitted that both the cases had not arisen out of the same incidents, both are separate incidents. That apart, the learned Principal Sessions Judge had rightly observed that for qualifying “a case and a case in counter”, the material requirement is that both the complaints should contain rival versions of the same incident/transaction, whereas in the present case, on the face of the FIRs, time of occurrences and other details appear to be completely different from each other and hence, the learned Principal Sessions Judge had rightly dismissed the petitioner's petition concluding that there is no justification in demanding joint trial of the opposite cases. Moreover, he pointed out that the case against the petitioner in Crime No.399 of 2015 came to be registered as against the petitioner and 5 others at the instance of one R.Maria Stella on 02.07.2015. Only after a period of 5 days, the petitioner made a complaint against the said R.Maria Stella and few others, for which Crime No.412 of 2015 came to be registered on 07.07.2025. However,



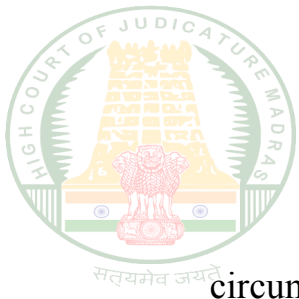
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after investigation, the said case which was registered against R.Maria Stella and few others was closed as mistake of fact. For which, the petitioner had filed a protest petition before the learned Judicial Magistrate, Eraniel and taking cognizance over the same, the case was further proceeded as against the said R.Maria Stella and others in C.C.No.413 of 2020. Hence, the learned Principal Sessions Judge had rightly gone through the details of the case and observed that the both the cases do not arise out the same incident and had negated the petitioner's claim for joint trial and pressed for dismissal of the criminal revision case.

8. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) and carefully perused the materials available on record.

9. Though the learned counsel for the petitioner relying upon the order of the Hon'ble Supreme Court in *Nathi Lal & Others Vs. State of U.P. & Another* reported in *1990(Supp) SCC 145*, the facts and circumstances of this case would not applicable to the facts and



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circumstances of the aforesaid Supreme Court order, and more particularly since both the cases do not emanate out of the same incidents / transaction, I do not find any infirmity in the order passed by the learned Principal Sessions Judge.

10. Accordingly, this Criminal Revision Case is dismissed.
Consequently, connected Miscellaneous Petitions are closed.

25.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Principal Sessions Court,
Nagercoil, Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
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Dated: 25.07.2025