



Crl.O.P.(MD)No.21634 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.21634 of 2025

Ravi

... Petitioner

Vs.

1. The State of Tamilnadu, Rep By,
The Deputy Superintendent of Police,
Theni Division,
Theni District.

2. State of Tamilnadu Rep by,
The Inspector of Police,
Veerapandi Police Station,
Theni District.
Crime No.145/2021 and 146/2021)

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to transfer the case in Crl.MP.No.10767/2023 from the learned Judicial Magistrate, Theni to the learned Special Court for Trial of cases under SC/ST(POA) Act, Theni and to conduct the trial simultaneously along with in Spl.SC.No.34/2021 within time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side)



Crl.O.P.(MD)No.21634 of 2025

ORDER

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This criminal original petition has been filed seeking transfer of the case in Crl.MP.No.10767/2023 from the learned Judicial Magistrate, Theni to the learned Special Court for Trial of cases under SC/ST(POA) Act, Theni and to conduct the trial simultaneously along with in Spl.SC.No.34/2021.

2. The learned counsel appearing for the petitioner submitted that the cases in Crl.MP.No.10767/2023 and Spl.SC.No.34/2021 are case and counter case between the same parties and hence, the petitioner insisted for transfer of the case in Crl.MP.No.10767/2023 before the learned Special Court for Trial of cases under SC/ST(POA) Act, Theni, for joint trial with the case in Spl.SC.No. 34/2021.

3. The learned Government Advocate appearing for the respondent police has no objection for the relief sought for by the petitioner.

4. Heard the learned counsel on either side and perused the materials placed before this Court.



Crl.O.P.(MD)No.21634 of 2025

WEB COPY

5. The Full Bench of this Court in ***T.Balaji and Others Vs. the State and Others*** reported in ***2024(5) CTC 1***, mandated that the case and its counter case, if any, shall be dealt with by the same judge, who shall complete the trial of both cases independently, one after the other.

6. In view of the above, the case in Crl.MP.No.10767/2023 on the file of the learned Special Court for Trial of cases under SC/ST(POA) Act, Theni, is withdrawn and transferred to the Special Court for Trial of cases under SC/ST(POA) Act, Theni, for joint trial with Spl.SC.No.34/2021.

7. The trial of both cases shall proceed up to the stage of 313 Cr.P.C., proceedings and arguments in both the cases shall be heard independently and judgments shall be delivered on the same day in both matters, in line with the Full Bench Judgment of this Court in *T.Balaji's* case supra.

8. Accordingly, the criminal original petition is disposed of. The aforesaid exercise shall be completed within a period of six months from the date of receipt of copy of this order. Till the case in Crl.MP.No.10767/2023 is transferred to the Special Court for Trial of cases under SC/ST(POA) Act,



Crl.O.P.(MD)No.21634 of 2025

Theni, the proceedings in Spl.SC.No.34/2021 shall remain stayed.

WEB COPY

01.12.2025

NCC : Yes / No
Index : Yes / No
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Crl.O.P.(MD)No.21634 of 2025

TO:-

WEB COPY

1. The Deputy Superintendent of Police,
Theni Division,
Theni District.
2. The Inspector of Police,
Veerapandi Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.21634 of 2025

L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.21634 of 2025

Dated
01.12.2025