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CrI.O.P.No.34859 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.34859 of 2025

Dr.Parameshwari
W/o.Maharaj

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by The Inspector of Police,
Panamarathupatti Police Station,
Salem District.

(Crime No.96 of 2023).

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the learned Judicial Magistrate No.I, Salem to consider the memo filed in S.T.C.No.1984 of 2025 on the file of the learned Judicial Magistrate No.I, Salem, seeking simultaneous trial in S.T.C.No.1984 of 2025 and C.C.No.2111 of 2025.

For Petitioner : Ms.Khrishba Annam
for Mr.R.Vivekananthan

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.I, Salem to consider the memo filed in S.T.C.No.1984 of 2025 on the file of the learned Judicial Magistrate No.I, Salem, seeking simultaneous trial in S.T.C.No.1984 of 2025 and C.C.No.2111 of 2025.

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2.The case of the petitioner, in short, is that the cases in S.T.C.No.1984 of 2025 and C.C.No.2111 of 2025 are cases of case and counter and hence, the trial Court should follow the procedure as directed by the Hon'ble Supreme Court in India in the case of *Nathi Lal and other Vs State of U.P. and another* reported in *1990 (Supp) SCC 145* and also the judgement of the Full Bench of this Court in *T.Balaji & another Vs State* reported in *2024 SCC Online Mad 10644*.

3.The learned Government Advocate (Crl.Side) would fairly admit that the cases are case and cross case and they are pending on the file of the learned Judicial Magistrate- I, Salem.

4.Heard the learned counsel on either side and perused the material available on record.

5.Admittedly, the cases are case and counter case. In view of the above, the learned Judicial Magistrate – I, Salem, is directed to follow the procedure as held in the case of *Nathi Lal, supra* which is as follows:

“We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned judge must try both the



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cross cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment. Thereafter, he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the cross case cannot be looked into. Nor can the judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But, both the judgments must be pronounced by the same learned Judge one after the other.”

6.Further, it is apropos to advert to the decision of the Full Bench of this Court in the case of **T.Balaji**, *supra* on the issue of simultaneous trial, the relevant portion of which is as follows:

“ANSWERS TO THE QUESTIONS REFERRED

69.In the light of the above discussion, the following are our answers to the question referred to us vide order dated 21.03.2024:

.....

c.The police will take note of and scrupulously follow the guidelines set out in paragraph 58-A, supra.

d.Trial of a case and counter case shall be held simultaneously before the same Court and the guidelines set out in paragraph 58-B, supra, shall be followed.

70.The reference is answered on the aforesaid terms. The individual cases will now be placed before the appropriate Bench for disposal in accordance with law.”

(emphasis supplied by this Court)



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7. Therefore, the trial of the cases in STC.No.1984 of 2025 and CC.No.2111 of 2025 shall be held simultaneously before the same Court and guidelines set out in Paragraph 58 - B of the judgement of the Full Bench of this Court in the case *T.Balaji, supra* shall be scrupulously followed.

With the above direction, this petition stands disposed of.

07.01.2026

ssa

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Panamarathupatti Police Station,
Salem District.
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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