



Crl.O.P(MD)No.795 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.795 of 2026

and

Crl.M.P(MD)No.796 of 2026

P.Rajasekaran

... Petitioner/Petitioner/A1

Vs.

1.A.Selvam

2.R.Kannan

3.C.Rajamani

4.B.Ananth

5.A.Ravanan

6.S.Nalliyappan

... Respondents/Respondents 1-6/
A2 - A7

7.State rep.by

The Inspector of Police,
District Crime Branch,
Madurai District in Othakkadai PS.
(Crime No.388/2013)

... Respondent/7th Respondent/
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order in unnumbered Crl.M.P.No. in online filling no.5675 of 2025 before the Special Court to Deal with the Case of offence in Contravention of the Provisions of the Mines and Minerals



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(D & R) Act, 1957 Madurai dated 14.11.2025 and order for the joint trial the Spl.C.C.No.126 of 2021 as against the petitioner and Spl.C.C.No.42 of 2021 as against the petitioner and his wife R.Malaiarasi, and Spl.C.C.No.155 of 2021 as against petitioner's son R.Veeranasamy under Section 4(1-A) r/w 21(1) of MMDR Act, 1957 along with Spl.S.C.No.53 of 2024 in the interest of justice.

For Petitioner : Mr.S.Ramsundarvijayraj
For R7 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking to set aside the impugned order passed by the Special Court to Deal with the Case of offence in Contravention of the Provisions of the Mines and Minerals (D & R) Act, 1957 Madurai in unnumbered Crl.M.P.No. in online filling No.5675 of 2025 dated 14.11.2025, this criminal original petition is filed.

2. Since no adverse orders are passed as against the respondents 1 to 6, notice to the respondents 1 to 6 is dispensed with.



3. The learned counsel for the petitioner submitted that the impugned order is a cryptic non-speaking order, without any reason, rejecting the petition seeking joint trial of Spl.C.C.No.126 of 2021, Spl.C.C.No.42 of 2021, Spl.C.C.No.155 of 2021 and Spl.S.C.No.53 of 2024 without referring to Section 220 of Cr.P.C and the Full Bench judgment of this Court in the case of ***S.Kumar Vs. The District Collector & Others***¹. The learned counsel for the petitioner pointed out that in paragraph No.186 of the aforesaid judgment, it has been mandated that when an F.I.R is registered for an offence under the Indian Penal Code and a private complaint is filed for the offence under MMDR Act, the jurisdictional Special Court constituted under the MMDR Act shall jointly try the offences under the MMDR Act as well as the offence under Section 379 IPC so as to avoid possible conflict in the decision, on the IPC offence being committed by the Magistrate to the Special Court. Only following the said mandates, the petitioner had filed an application for joint trial before the learned trial Court. However, the learned trial Court without going into the merits of the case, by cryptic order mentioning that already two witnesses have been

¹ W.P(MD)No.14341 of 2022



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examined in Spl.S.C.No.53 of 2024 and in Spl.C.C.No.42 of 2021, Spl.C.C.No.126 of 2021 and Spl.C.C.No.155 of 2021, 4,5 and 5 witnesses have been examined respectively, and also pointing out that survey numbers mentioned in each cases are different and accused name are also different and are not connected with each other, had rejected the petition.

4. Per contra, the learned Additional Public Prosecutor categorically contended that only when the police case as well as private complaint has been lodged at the instance of the police and by the Special Officer for the same set of facts for the same offence, such mandate would be applicable. However, in the instant case, the learned trial Court itself has clearly mentioned that the survey numbers mentioned in each cases are different and the accused names are also different and hence, the question of joint trial under Section 220 Cr.P.C with respect to the cases mentioned in the petition will not arise and the trial Court had rightly rejected the same. The offence registered by the police is with respect to theft as well as illegally trespassing into the



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Government poramboke land for quarrying with explosive substances and the private complaint is with respect to the storage of granite stones. Hence, both are unrelated to each other. Section 218 of Cr.P.C mandates that each distinct cases should necessarily be tried separately.

5. Heard the learned counsel on either side and carefully perused the materials available on record.

6. As contended by the learned counsel for the petitioner, it is not a non-speaking order. Though the same is cryptic in nature, the order clearly highlights the number of witnesses examined in each of the pending cases and learned trial Judge had properly applied his mind and had also recorded that the survey numbers mentioned in each cases are different and the accused names are also different. Since the trial has commenced in few of the cases, it is the considered opinion of this Court that the question of considering the application for joint trial is impermissible, that too when the facts and circumstances of each cases are different and distinct. It is also clear that the judgment relied upon



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by the learned counsel for the petitioner is not applicable to the facts and circumstances of the instant case.

7. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Miscellaneous Petition is closed.

02.02.2026

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

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To

- 1.The Special Court to Deal with the Case of
offence in Contravention of the Provisions of the Mines
and Minerals (D & R) Act, 1957,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Othakkada Police Station,
Madurai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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