

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I.
SULTHAN BATHERY

Present:- Smt. Safeena C.C,
Judicial First Class Magistrate-I,
Sulthan Bathery.

Thursday 26th day of March 2026
5th day of Chaithra, 1948

C M P No. 1647/2025 IN ST 144/2020

Petitioner/ Accused : Suku K K @ Suku K Krishnan, aged 43 yrs S/o Krishnan, Uthram House, Ruchi Hotel, Near Crysalis English High school, Horemavu agara, Bangalore.

(By Adv. Aji Mathew)

Respondent/Complainant : Haneefa P.M, aged 56 yrs, S/o Moidheen, Poovallur House, Mangara, Nenmeni Post, Sulthan Bathery Taluk, Wayanad District.

(By Adv. P. D. Saji)

Order : Petition Allowed

This petition, having been finally heard and the Court passed the following: -

O R D E R

This is a joint trial petition filed by the complainant/petitioner in ST 144/2020 and ST 287/2020. Subsequently, a memo was filed stating that, due to an oversight, ST 144/2022 was mentioned instead of ST 144/2020. The memo was accepted, and it is clarified that ST 144/2020 relates to the joint trial petition in the present case.

2. The counsel for the petitioner submits that the complaint has been filed against the accused for having committed an offence

punishable under Section 138 of the Negotiable Instruments Act. There is another case pending against the same accused, filed by the same complainant, as ST 287/2020 before this Hon'ble Court, also punishable under Section 138 of the Negotiable Instruments Act, which is presently posted for evidence. The liability of the accused towards the complainant in both cases arises from the same transaction, and therefore, these two cases could be tried together to save the time of this Hon'ble Court and to ensure the speedy disposal of ST 144/2020 and ST 287/2020. In view of the above circumstances, it is just and necessary that the trials of ST 144/2020 and ST 287/2020 be conducted jointly before this Hon'ble Court. It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to allow the joint trial of ST 144/2020 and ST 287/2020 in the interest of justice.

3. Notice was served on the respondent/complainant. No counter was submitted in CMP. The same is accordingly endorsed in CMP and the matter is posted for hearing.

4. Heard both sides.

5. Points arise for consideration

1. Whether then petition is liable to allow?
2. Order

Point no i:-

6. This is a joint trial petition filed by the complainant/petitioner in ST 144/2020 and ST 287/2020. It is noted that a memo was subsequently filed clarifying that, due to an oversight, ST 144/2022 was erroneously mentioned instead of ST 144/2020. The memo has been accepted, and it is now clarified that ST 144/2020 relates to the joint trial petition in the present case. The counsel for the

petitioner submits that both complaints, in ST 144/2020 and ST 287/2020, have been filed under Section 138 of the Negotiable Instruments Act against the same accused and arise from the same transaction. ST 287/2020 is also pending before this Hon'ble Court and is posted for evidence. Considering that the liability of the accused in both cases arises from the same transaction, and that the transactions took place on proximate dates and appear to be of a similar nature, it is evident that conducting a joint trial would serve the interests of judicial economy, avoid duplication of proceedings, prevent conflicting findings, and ensure the speedy disposal of both cases. The complainant and accused are the same persons in both cases, and the evidence, witnesses, and legal questions largely overlap. No counter has been filed by the respondent/complainant, and the same is accordingly endorsed in CMP. Taking into account these circumstances, it is clear that the conditions for allowing a joint trial are satisfied, as it would conserve the time and resources of this Hon'ble Court, prevent unnecessary litigation, and promote the interest of justice. Therefore, the petition for a joint trial of ST 144/2020 and ST 287/2020 merits consideration and is fit to be allowed. Hence point No.1 is found infavour of the complainant.

Point no ii:-

7. Considering the findings in Point No. 1, the petition for a joint trial of ST 144/2020 and ST 287/2020 is allowed, and ST 144/2020 shall be treated as the main case for further proceedings.

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I

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JUDICIAL FIRST CLASS MAGISTRATE I
SULTHAN BATHERY