



**IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE,**  
**3RD COURT, ESPLANADE, MUMBAI**  
**(Presiding Officer – Shri R. D. Chavan)**

**C. C. No. 399/PW/2023**  
**(CNR NO.MHMM11-004420-2023)**

**The State (Navsari Town Police Station)**

**...Complainant.**

**Vs.**

**Ketanbhai Kantilal Sheth.**

**...Accused.**

**Order Below Exh. 1**

In view of the order dated 21.03.2025 passed below Exh.  
550 in Case No. 398/PW/2023, this case is merged in Case No.  
398/PW/2023.

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signed by  
RAMKRISHNA  
DHONDIRAM  
CHAVAN  
Date:  
2025.03.22  
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Mumbai,  
Dated :- 21.03.2025

**(R. D.Chavan)**

**Additional Chief Judicial Magistrate,  
3<sup>rd</sup> Court, Esplanade, Mumbai.**

*Mbc/-*



**IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE,**  
**3RD COURT, ESPLANADE, MUMBAI**  
**(Presiding Officer – Shri R. D. Chavan)**

**C. C. No. 398/PW/2023**  
**(CNR NO.MHMM11-004416-2023)**

**The State (Navsari Town Police Station)**

**...Complainant.**

**Vs.**

**Nandkishore Shankarlal Trivedi.**

**...Accused No.3.**

**Order Below Exh. 550**

This is an application filed by the accused No.3, under Section 223 of Criminal Procedure Code to merge/club the other criminal case along with this criminal case in one criminal case. Perused the application, record and say of prosecution and other accused. Heard accused No.3 personally. Heard Ld. APP. Heard Ld. Advocate for other accused in the present matter and other connected matter. Perused the records of all these connected matters.

2. The applicant/accused submitted that one FIR No. I – 93/2002 dated 18.08.2002 came to be registered at Navsari Town Police Station under Section 406, 409, 420, 421, 422, 423, 120-B and 34 of Indian Penal Code. During the investigation, the Investigating Officer has filed one main charge-sheet and one another supplementary charge-sheet arising out of same FIR against the accused named in FIR. He further submitted that the trial Court has given separate number to

each charge-sheet. Therefor, he requested to merge these two criminal cases i.e. 398/PW/2023 and 399/PW/2023 in one criminal case.

3. All other accused persons in this case and in another connected case have given their no objection to merge these two cases in one case.

4. The prosecution submitted that in this matter the same FIR filed against all accused for the same offence committed in the course of same transaction and the informant is alsosame.

5. It appears that there are Two separate criminal cases pending before this Court i.e. 398/PW/2023 and 399/PW/2023. Perusal of record of these cases, appears that these two criminal cases are arising out of the same FIR bearing No. I-93/2002 dated 18.08.2002, registered at Navsari Town Police Station. It appears that the prosecution has submitted one main charge-sheet, which numbered as C. C. No. 399/PW/2023 and one other supplementary charge-sheet is filed and it is numbered as C. C. No. 398/PW/2023. It appears that informant and witnesses in these two cases are same and identical and the allegations formed part of the same transaction.

6. Since these two criminal cases originated from the same FIR and involved the same set of witnesses and evidence, conducting separate trial may lead unnecessary duplication of judicial proceeding, wastage of time and there is possibility of conflicting judgment and orders on the same issue.

7. As per provision of Section 223 of Criminal Procedure Code;

***“223. What persons may be charged jointly.***

*- The following persons may be charged and tried together, namely;*

*-(a) persons accused of the same offence committed in the course of the same transaction;*

*(b) persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence;*

*(c) persons accused of more than one offence of the same kind, within the meaning of Section 219 committed by them jointly within the period of twelve months;*

*(d) persons accused of different offences committed in the course of the same transaction;*

*(e) persons accused of an offence which includes theft, extortion, cheating, criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last-named offence;*

*(f) persons accused of offences under Sections 411 and 414 of the Indian Penal Code (45 of 1860), or either of those sections in respect of stolen property the possession of which has been transferred by one offence;*

*(g) persons accused of any offence under Chapter XII of the Indian Penal Code (45 of 1860), relating to counterfeit coin and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence; and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges :*

*Provided that where a number of persons are charged with*

*separate offences and such persons do not fall within any of the categories specified in this section, the [Magistrate or Court of Session] [Substituted by Act 25 of 2005, Section 21, for "Magistrate" (w.e.f. 23-6-2006).] may, if such persons by an application in writing, so desire, and [if he or it is satisfied] [Substituted by At 25 of 2005, Section 21, for "if he is satisfied" (w.e.f. 23-6-2006).] that such persons would not be prejudicially affected thereby, and it is expedient so to do, try all such persons together."*

As per the above provision, person accused of same offence committed in the course of same transaction may be charged and tried together. Likewise, person accused of different offences committed in the course of the same transaction may be charged and tried together.

8. In the light of above discussion and legal position, I am of the considered opinion that conducting the separate trial in these Two cases would be unnecessary and prejudicial to the administration of justice. In order to prevent the abuse of process of law; in order to avoid the multiplicity of proceeding and in order to avoid judicial proceeding, wastage of time and to avoid possibility of conflicting decision/judgment/orders, it would be justified to merge these two cases in one criminal case, in which the initial charge-sheet is filed. Hence, I proceed to pass the following order.

### **ORDER**

1. These two cases are merged in one case i.e. C. C. No. 399/PW/2023 and the trial shall proceed under the main Criminal Case No. 399/PW/2023.

2. The record and proceeding of supplementary charge-sheet i.e. Case Nos.398/PW/2023 shall be merged/clubbed together and treated as part of main C. C. No.399/PW/2023.
3. Office is directed to ensure the supplementary charge-sheet i.e. 398/PW/2023 is annexed with the main case file i.e. C. C. No. 399/PW/2023 and update the CIS accordingly.
4. Prosecution shall proceed with the trial under consolidated case and all evidence shall be recorded in single proceeding i.e. Case No. 399/PW/2023
5. Certified copy of this order be tagged in other case i.e. 398/PW/2023.
6. Accused in these Two criminal cases to note.

Digitally signed  
by  
RAMKRISHNA  
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CHAVAN  
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Mumbai,  
Dated :- 21.03.2025

(R. D.Chavan)  
Additional Chief Judicial Magistrate,  
3<sup>rd</sup> Court, Esplanade, Mumbai.

*Mbc/-*