

**Crl.R.C.No.398 of 2016****N.ANAND VENKATESH,J.,**

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This Court passed the following order on 10.01.2023:

*Learned counsel for the appellant is present and he submitted that this case arise out of Crime No.406 of 2010 which was assigned as S.C.No.103 of 2015. The appellants were charged for the offences under Sections 147, 148, 324, 294(b) and 506(ii) IPC r/w 3(1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On conclusion of the trial, the trial Court found the appellants guilty for offence under Section 3(1) (x) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, sentenced to undergo one year simple imprisonment each and to pay a fine of Rs.1,000/- each for offence under Section 147 IPC, for offence under Section 148 IPC, sentenced to undergo one year simple imprisonment each, for offence under Section 324 IPC, sentenced to undergo one year simple imprisonment each and the appellants / accused were acquitted for charges under Section 294(b), 506(ii) IPC. He further submitted that there is a case and a counter case registered. Some of the witness in this are accused in Crime No.407 of 2010 for the offences under Sections 147, 323, 324 and 307 IPC. The occurrence is on the same day, at the same time. Hence, both the case ought to have been investigated by*



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*following the Police Standing Orders Section 588A. However, since the appellants were charged under the provisions of SC ST Act, it can immediately investigated and charge sheet filed before the Special Court and they were convicted and appeal is pending.*

*3. The grievance of the petitioner is that the counter case in Crime No.407 of 2010 though investigated and charge sheet in S.C.No.344 of 2012 filed due to dilatory tactics adopted by the accused therein, the trial could not commence.*

*4. In the event of this Court, dismissing the above appeal, the appellants case in Crime No.407 of 2010 would loose its stream and will not be independently assessed based on its evidence. Further, the outcome of the Crime No.407 of 2010 will have a direct bearing in the above appeal. Hence, he sought for completion of trial in Crime No.407 of 2010 (S.C.No.344 of 2012) and thereafter, to take up this appeal.*

*5. Learned Government Advocate (Crl.Side) submits that the respondent-police not responded and he has to get instructions. Hence, he seeks small accommodation.*

*6. Hence, post the matter on 03.02.2023.*

2. When the matter came up for hearing on 08.03.2023, this Court passed



the following order:

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*Pursuant to the earlier order passed by this Court on 10.01.2023, learned Government Advocate(Criminal Side), on instructions submitted that the counter case in S.C.No.263 of 2022 is now at the stage of appearance of the accused persons for serving copies under Section 207 of Cr.P.C.*

*2. Learned Government Advocate (Criminal Side) shall take written instructions from the Police and report to this Court before which Court, the counter case is pending.*

*Post this case under the caption “For Passing Further Orders” on 15.03.2023.*

3.Mr.S.Balamurali, Inspector of Police, Kilianur Police Station, Villupuram District, was present at the time of hearing and he instructed the learned Government Advocate (Criminal Side).

4.The learned Government Advocate (Criminal Side) on instructions from the concerned Police Officer submitted that the counter case in S.C.No.263 of 2022 is now pending before the learned Assistant Sessions Judge, Tindivanam and it is now at the stage of serving copies to the accused persons under Section 207 of



Cr.P.C., and that the case is posted for hearing today.

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5.The case and counter case ought to have been tried by the same Court.

However, the case which is now a subject matter of challenge in Crl.A.No.398 of 2016 (S.C.No.103 of 2015) was tried by the learned Sessions Judge, Special Court for exclusive trial of cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Villupuram. The counter case is now pending before the learned Assistant Sessions Judge, Tindivanam. The counter case has to be tried by only by the very same Court which tried S.C.No.103 of 2015. In view of the same, this Court is inclined to transfer the case pending in S.C.No.263 of 2022 to the file of the Special Court for exclusive trial of cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram with some directions. The learned Assistant Sessions Judge, Tindivanam shall serve the copies to the accused persons under Section 207 of Cr.P.C., and the entire case papers shall be transferred to the file of the Special Court for exclusive trial of cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram. The learned Sessions Judge, presiding over the Special Court shall start from the stage of framing of charges and complete the proceedings on a day-to-day basis as per



the directions of the Apex Court in the case of ***Vinod Kumar Vs State of Punjab*** reported in ***2015 (1) MLJ (Crl) 288 SC*** on or before 30.06.2023. The accused persons are directed to co-operate for the completion of the case within the time stipulated by this Court and if in case, any of the accused persons make any attempt to drag on with the proceedings, the Trial Court shall take action in line with the judgment of the Apex Court in ***State of Uttar Pradesh vs. Shambhu Nath Singh*** reported in ***JT 2001 (4) SC 3191***. The entire original records have been sent to this Court and the Registry is directed to immediately send back the entire original records to the Special Court for exclusive trial of cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram. The learned Sessions Judge, Special Court shall comply with the directions issued by this Court and report compliance.

6.This Criminal Appeal will be taken up for hearing after the disposal of S.C.No.263 of 2022. Post this Criminal Appeal for hearing on 03.07.2023.

**15.03.2023**

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