

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.5210 of 2016

P.Tamilarasan

.. Petitioner/A-2

.. Vs ..

State by,

The Inspector of Police,
All Women Police Station,
Kangayam, Tiruppur District.
(Crime No.3 of 2016)

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Principal District and Sessions Judge, Tiruppur (Special Court for (POA) Act, to accept the petitioner's Surrender application and consider the petitioner's bail application on the same day in connecting with Crime No.3/2016 on the file of the Inspector of Police, All Women Police Station, Kangayam, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

- - - - -

ORDER

The petitioner has come forward with the present petition seeking to direct the learned Principal District and Sessions Judge, Tiruppur (Special Court for (POA) Act, to accept the petitioner's Surrender application and consider the petitioner's bail application on the same day in connection with Crime No.3/2016 on the file of the Inspector of Police, All Women Police Station, Kangayam, Tiruppur District.

2. The learned counsel for the petitioner would submit that the petitioner was prosecuted for the offences punishable under Sections 294(b), 376, 354(A), 341 and 506(i) of IPC r/w. Section 3(1)(w) (i) r/w. 3(2)(V) (a) of SC & ST (Prevention of

Atrocities) Act Amended Ordinance Act, 2014 and 4 of TNWH Act. The petitioner was arrayed as A.2 and he is nothing to do with the commission of offence. The first accused-Senthilkumar is the person having illicit intimacy with the de facto complainant and the second accused/petitioner herein is alleged to have given publication in respect of the illicit intimacy of the first accused with the de facto complainant. So, no offence under Section 3(1)(w)(i) r/w. 3(2)(V)(a) of SC & ST (Prevention of Atrocities) Act Amended Ordinance Act, 2014 has been made out and hence, he prays for a direction.

3. Heard the learned Additional Public Prosecutor. He would submit that as per the Indecent Representation of Women Act, the name of the victim girl shall not be disclosed in any of the publication. But, here, at the instance of the second accused/petitioner herein, the name of the de facto complainant has been published in newspapers and therefore, custodial interrogation of the petitioner is necessary and hence, he prays for dismissal of the petition.

4. Considering the rival submissions made on both sides and on perusal of typed set of papers, it is seen that the alleged occurrence is said to be taken place on 07.02.2016 and the case has been registered for the offences punishable under Sections 294(b), 376, 354(A), 341, 506(i) of IPC r/w. Section 3(1)(w)(i) r/w. 3(2)(V)(a) of SC & ST (Prevention of Atrocities) Act Amended Ordinance Act, 2014 and 4 of TNWH Act, only on 27.02.2016. The case of the de facto complainant is that the petitioner/A.2, has made a threat to the publishers to publish news items. In such circumstances, I am of the view that custodial interrogation of the petitioner is necessary. Hence this Petition deserves to be dismissed and accordingly, this Criminal Original Petition is dismissed.

Jrl

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
All Women Police Station,
Kangayam, Tiruppur District.

2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.C.Prakasam, Advocate Sr 18447

KR/11/4/16

CRL.O.P.No.5210 of 2016