



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Criminal Original Petition (MD) No.4819 of 2016

Petchi Muthu

... Petitioner

vs.

The State
Rep. By its the Inspector of Police,
Murappanadu Police Station,
Tuticorin District
Crime No.125/2014

... Respondent

PRAYER: This petition is filed under Section 482 Cr.P.C to direct the learned 2nd Additional Sessions Judge cum PCR Court, Tirunelveli to consider the warrant recall petition filed by the petitioner on the very same day of its filing in connection with the FIR in Crime No. 125 of 2014 on the file of Respondent Police.

For Petitioners : Mr.S.Angappan
For Respondent : Mrs.S.Prabha, G.A.(Crl.Side)

O R D E R

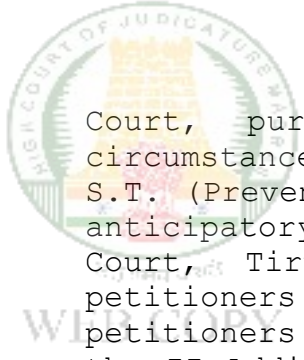
The learned counsel appearing for the petitioner has submitted that the petitioner has come forward with this petition seeking for a direction to the 2nd Additional Sessions Judge cum PCR Court, Tirunelveli to consider the warrant recall petition filed by the petitioner on the very same day of its filing in connection with SC No.168 of 2014 issued by the learned II Additional Sessions Judge cum PCR Court, Tirunelveli.

2. The learned counsel for the petitioner has also submitted that the petitioner has been implicated in this case for the alleged offences under Sections 147, 148, 448, 294(b) and 506(ii) I.P.C., and Section 3 of TNPPDL Act r/w Section 3 (1) (r,s) (2)(va) of S.C. & S.T. (POA) Amendment Ordinance Act, 1989, and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have come forward with the said prayer.

3. The learned Government Advocate (Criminal Side) takes notice for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

4. It is seen that this petitioner was arrested earlier and was released on bail. During trial, he did not appear before the trial



Court, pursuant to which, Warrant has been issued. Under such circumstances, in view of the specific bar under Section 18 of the S.C. & S.T. (Prevention of Atrocities) Act, that the petitioners cannot move any anticipatory bail, the learned II Additional Sessions Judge cum PCR Court, Tirunelveli, is directed to accept the surrender of the petitioners and consider their bail application, in the event of the petitioners filing such petition in S.C No. 168 of 2014, on the file of the II Additional Sessions Judge cum PCR Court, Tirunelveli, and dispose of the same on merits and in accordance with law on the same day.

5. With the above observation, this criminal original petition is disposed of.

Sd/
Assistant Registrar(R)

/True Copy/

Sub Assistant Registrar.

To

1. The II Additional Sessions Judge cum PCR Court, Tirunelveli

2.The Inspector of Police,
Murappanadu Police Station,
Tuticorin District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S. M.S. Jeya Karthik, Advocate, SR.No. 15665.

Crl.O.P(MD).No.4819 of 2016
18.03.2016

AM/GSV.PM/SAR-I/28.03.2016/2P/5C