



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) No.822 of 2017

Franklin .. Petitioner/sole accused

Vs

The State Rep. by,
The Inspector of Police,
Thiruchendure Police Station,
Thoothukudi District.
(Crime No.16 of 17)

.. Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant an order of direction, directing the 2nd Additional Sessions Judge / Special Court for PCR Cases, Tirunelveli, to consider the bail application of the petitioner on the same day of the petitioner's surrender in Crime No.16 of 2017 on the file of the respondent police pending investigation.

For Petitioner : Mr.R.Ramachandran
for M/s.A.Robinson

For Respondent : Mr.K.Anbarasan
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the II-Additional Sessions Judge / Special Court for PCR Cases, Tirunelveli, to consider the bail application on the same day of the petitioner's surrender in connection with Crime No.16 of 2017, on the file of the respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

3. In respect of the offences punishable under the provisions of Scheduled Castes and Scheduled Tribes Act, the Deputy Superintendent of Police of the particular jurisdiction alone is the investigating officer. But in the present case, the Deputy Superintendent of Police concerned has not been made as a



party respondent. Instead, the Inspector of Police, Thiruchendure Police Station, Thoothukudi District, who is not a competent person, has been made as a party. Therefore, this Criminal Original Petition is liable to be dismissed.

4. In the result, this Criminal Original Petition is dismissed. However, liberty is given to the petitioner to file fresh application.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

PJL

To

- 1 The II Additional / Sessions Judge/
Special Court for PCR Cases,
Thoothukudi District
- 2.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

JAM/20.02.17 /SV-MMS/ 2p-4c

Cr1.O.P. (MD) No.822 of 2017
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