



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON: 09.04.2018
DELIVERED ON : 17.04.2018
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. A.(MD)No.167 of 2018

Iyyappan

.... Appellant/A-1

Vs.

1.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.51 of 2015

2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.Respondents 1&2/ Appellant

3.Sumathi ..3rd Respondent/De-facto complainant

Prayer : This appeal is filed under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989, as amended by Act 1 of 2016, to call for the entire records pertaining to the order in Cr.M.P.No.831 of 2018 on the file of the learned II Additional District and Sessions Judge, Tirunelveli, and set aside the same.

For Appellant : Mr.R.Vinoth Bharathi
For Respondents 1 and 2 : Mr.K.Suyambulinga Bharathi
Government Advocate(CrI. Side)

JUDGMENT

Heard Mr.R.Vinoth Bharathi, learned counsel appearing for the appellant and Mr.K.Suyambulinga Bharathi, learned Government Advocate (CrI. Side) appearing for the respondents 1 and 2.

2.This appeal has been filed to set aside the order passed in Cr.M.P.No.831 of 2018 dated 28.03.2018 on the file of the learned II Additional District and Sessions Judge, Tirunelveli.

3.The respondent police has registered a case in Crime No.51 of 2015 for the offences under Sections 147, 148, 149, 120(3), 302 r/w 34 of IPC and Section 3(2)(V) of SC/ST (POA) Act, 1989. It is stated that the alleged occurrence has taken place in the year 2015. The deceased person had illegal intimacy with one Kanchana and the same was questioned by the defacto complainant. Due to that the defacto complainant made a complaint in the All Women Police Station, Ambasamudram. Thereafter, the deceased person had continuing the said illegal relationship. Consequently, the said Kanchana's relations threatened the deceased's family 7 months



before the date of occurrence. On 14.03.2015 at about 09.00 a.m., an dead body was found in Sankanthivadu village and the same was intimated to the defacto complainant, who is the wife of the deceased.

4. On the side of the appellant, it is stated that the appellant was granted an interim bail in Cr.M.P.No.908 of 2015 dated 20.05.2015 by the learned II Additional District and Sessions Judge, Tirunelveli with the condition that the appellant should appear and sign before the learned Judicial Magistrate No.I, daily twice at 10.00 a.m., and 5 p.m., It is further stated that due to jaundice, the appellant was not able to comply with the condition after 18 days. Non bailable warrant was issued against him. The appellant surrendered before the learned Judicial Magistrate No.IV, Tirunelveli on 04.11.2017 and the bail petition moved by him in Cr.M.P.No.831 of 2018, was dismissed by the learned II Additional District and Sessions Judge, by an order dated 28.03.2018.

5. On the side of the respondents, it is stated that the appellant was on interim bail but he has not comply with the condition. Hence, non bailable warrant was issued against him on 04.08.2015. The appellant was arrested in some other case and was formally arrested in this case on 17.11.2017. It is further stated that the accused is having 7 previous cases. Among them, four are murder cases.

6. No documents were submitted on the side of the petitioner to prove that he suffered from jaundice and took treatment in Kerala. Even assuming that the appellant was suffering from jaundice and could not attend the Court, the reason for not surrendering after the completion of the treatment is not stated. Non Bailable Warrant was issued on 04.08.2015 and the appellant has not surrendered before the Judicial Magistrate for this case. He was surrendered in some other case and was formally arrested in the case only on 17.11.2017.

7. In the above circumstances, the reasons stated in the appeal are not satisfactory, this criminal appeal is liable to be dismissed. Hence, this appeal is dismissed. No Costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The II Additional District and Sessions Judge, Tirunelveli.

MRN

DS/JC/SAR-2 :10.05.2018: 2P/2C

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