



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

CRL.O.P. (MD) No.15338 of 2017

Mahalingam

... Petitioner/sole Accused

-Vs-

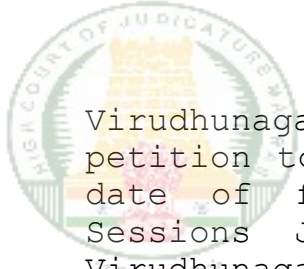
1. The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
2. State rep. By the Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(In Cr.No.198 of 2017) ... Respondents 1 & 2/Complainants
3. Pachaiyammal ... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, issue appropriate direction to the Learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur at Virudhunagar District to receive the bail petition and surrender petition in the above crime No.198/2017 on the Petitioner /Accused on the date of filing and consequently direct the Learned Principal Sessions Judge/Special Court, PCR Cases, Srivilliputhur at Virudhunagar District to fix the specific date or dates for hearing Respondents and the Petitioner/ Accused and to dispose both surrender and bail petition on such date or dates simultaneously on merits and in accordance with law.

For Petitioner	: Ms.D.Farjana Ghoushia
For R-1 & R-2	: Mr.A.P.G.Ohm Chairma Prabhu Govt. Advocate (Crl.Side)
For R-3	: Mrs.M.Patchaiyammal (party-in-person)

O R D E R

This Criminal Original petition has been filed under Section 482 of Criminal Procedure Code, to direct the Learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur at



Virudhunagar District to receive the bail petition and surrender petition to be filed by the petitioner in crime No.198/2017 on the date of filing and consequently direct the Learned Principal Sessions Judge/Special Court, PCR Cases, Srivilliputhur at Virudhunagar District to fix the specific date or dates for hearing respondents and the Petitioner/ Accused and to dispose both the surrender and bail petition on such date or dates simultaneously, on merits and in accordance with law.

2.Heard both sides.

3.When this case was taken up for hearing on 11.01.2018, this Court has directed the respondent Police to serve notice to the 3rd respondent/defacto complainant with a direction either to appear in person or through counsel before this court on 29.01.2018.

4.As directed by this court, notice has been served on the 3rd respondent and accordingly, when the case is taken up today for hearing, the defacto complainant/3rd respondent, Patchaiyammal and her husband Murugan appeared before this Court.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 and the third respondent (party-in-person).

6.The submissions made by both parties reveal that based on the complaint lodged by the defacto complainant/3rd respondent, Patchaiyammal, the second respondent, Inspector of Police, Aaviyur Police Station, Virudhunagar District, has registered a case against the petitioner/accused under Sections 294(b), 324 I.P.C and Section 3(1)(r), 3(1)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance Act, 2015 in Cr.No.198/2017. In this case, the defacto complainant's husband viz., Murugan has got injury.

7.The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 has submitted that the injured was already discharged from the hospital.

8.Considering the above submissions and in view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioner, is directed to surrender before the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur at Virudhunagar District, on 05.02.2018. The third respondent and her husband are also directed to appear before the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur at Virudhunagar District on that date. On such surrender of the petitioner/accused and appearance by the third respondent and her husband, the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur at Virudhunagar



District has to consider the bail application, after hearing the petitioner as well as the defacto complainant/3rd respondent and victim on merits and in accordance with law.

9. With the above direction, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Sessions Judge/ Special Judge,
PCR Cases, Srivilliputhur at Virudhunagar District
2. The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
3. The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.G.Mariappan, Advocate, SR.No.44690

vs

RL/6C/3P/KK/SAR4/1/2/2018

CRL.O.P. (MD) No.15338 of 2017