



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Appeal(MD)No.499 of 2018

WEB COPY

Ramachandran

: Appellant/A-3

Vs.

1.The Deputy Superintendent of Police,
Railway Police,
Karaikudi,
Sivagangai District.

2.The State,
Represented by the Inspector of Police,
Railway Police Station,
Karaikudi,
Sivagangai District.
(Cr.No.15/2018)

: Respondents 1 & 2/Complainant

3.Sadhasivam : 3rd Respondent/Defacto Complainant

PRAYER : Criminal Appeal is filed under Section 14 (A) (2) of SC/ST (POA) Act, 1989 to call for the records pertaining to the order dated 30.10.2018 made in CrI.M.P.No.2905 of 2018 on the file of the Principal Sessions Judge, (PCR), Pudukkottai and to set aside the same and enlarge the appellant on bail in connection with the Crime No.15 of 2018 on the file of the respondent police by allowing the criminal appeal.

For Appellant : Mr.MA.Karunanithi

For R1 & R2 : Mrs.S.Bharathi

Government Advocate (Crl.side)

For R3 : Mr.S.M.Anantha Murugan

JUDGMENT

This criminal appeal is filed to set aside the order dated 30.10.2018 made in CrI.M.P.No.2905 of 2018 on the file of the Principal Sessions Judge, (PCR), Pudukkottai.

2.Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl.side) appearing for the first and second respondents and the learned counsel appearing for the third respondent.

3.The learned counsel for the appellant would submit that there are four accused in this case. The accused 1 to 4 already filed bail application before the Principal Sessions Judge, Pudukkottai and the Court below while granting bail to the other



accused 1, 2 and 4, rejected the bail application in respect of the appellant/A3 on the ground that now the investigation is taken over by the Deputy Superintendant of Police, Madurai and the case was registered by the second respondent which comes under the Sivagangai District. The learned Special Judge, Sivagangai District alone has got jurisdiction. Challenging the said order, the present appeal has been filed.

4.The learned counsel for the appellant would further submit that the reasons assigned by the Court below are not correct.

5.The learned counsel for the defacto complainant would submit that the Special Judge, Pudukkottai, does not have the jurisdiction to grant bail for the accused in this case and therefore, he moved the petition for cancellation of bail granted for other accused and the same is pending.

6.The learned Government Advocate (Crl.side) for the respondents 1 and 2 would submit that now the investigation has been handed over to the Deputy Superintendant of Police, the complaint was registered by the second respondent which falls under the jurisdiction of Sivagangai District. Therefore, the Special Judge, Sivagangai alone has got the jurisdiction. This Court by an order dated 10.10.2018, in Crl.O.P.(MD)No.18075 of 2018, directed the appellant to appear before the Principal District and Sessions Judge, Pudukkottai and consider the same on the same day and on such surrender, the learned Principal District and Sessions Judge, Pudukkottai was directed to dispose of the bail application on the very same day.

7.As submitted by the learned counsel that now the investigation has been taken over by the Deputy Superintendent of Police, Madurai, the complaint was registered by the Railway Police, Karaikudi, which falls under the Sivagangai District, the order passed by the learned Principal District and Sessions Judge, Pudukkottai does not warrant any interference. However, the appellant is at liberty to file the bail application before the learned Special Judge, Sivagangai, if he wants.

8.With the above directions, this criminal appeal is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Principal District and Sessions Judge,

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

Pudukkottai



2.The Deputy Superintendent of Police,
Railway Police,
Karaikudi,Sivagangai District.

3.The Inspector of Police,
Railway Police Station,
Karaikudi,Sivagangai District.

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

+1CC to Mr.D.Rameshkumar, Advocate, SR.No.94464

+1CC to Mr.S.M.Anantha Murugan, Advocate, SR.No.94491

CRIMINAL APPEAL (MD) No.499 of 2018
08.11.2018

RMI
ES/SKN/RSK/SAR 2/28.11.2018/3P/7C