



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.[MD].No.16164 of 2018

Dhanasekaran

: Petitioner

Vs.

State represented by

1.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

(Crime No.32 of 2018)

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to Special District Sessions court (Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act Cases) Sivagangai to take cognizance on the final report filed by the respondent in Crime No.32 of 2018 on the file of the Palayanur Police Station and conduct the trial on day to day basis and pronounce the judgment within 60 days as per Section 14(3) (Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act 1989).

For Petitioner : Mr.A.Gopal

For Respondents: Mr.K.Suyambulinga Bharathi

Government Advocate[Criminal side]

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to file a final report in connection with the Crime No.32 of 2013, on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent.

3. Perused the materials placed on record.

1. Taking into consideration the nature of allegation in the FIR, this Court directs the respondent police to complete the



investigation in Crime No. 32 of 2013, within period of six months from the date of receipt of copy of this order and either file a final report or closure report, as the case may be, under due intimation of the de-facto complainant.

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

For Being Mentioned

This petition having been listed on 25.09.2018 for Being Mentioned in pursuance to the order of this Court dated 10.09.2018 and made herein in the presence of the above said Advocates, this Court made the following order:-

This matter is listed today under the caption 'for being mentioned', at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioner would submit that the petition itself was filed for a direction to the Special Court to take cognizance on the final report and to conduct the trial on day to day basis.

3.However, there is an apparent mistake in the order, since the order proceeds on the ground that the final report has not been filed and a direction was given to the respondent police to complete the investigation and file a final report within six months.

4.The learned counsel for the petitioner brought to the notice of the Court that the final report has already been filed and the same has been taken cognizance by the Special Court in Special S.C.No.65 of 2018. Therefore, there is an apparent mistake in the order passed by this Court.

5.Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

6.In view of the submissions, the order portion in Crl.O.P(MD) No.16164 of 2018, dated 10.09.2018, is ordered to be modified as follows:

"This Criminal Original Petition has been filed for a direction to the Special District and Sessions Court (Scheduled Caste and Scheduled tribes Prevention of Atrocities Act Cases), Sivagangai to take cognizance on the final report filed by the respondent in Crime No.32 of 2018 on the file of Palayanur Police station and conduct the trial on day to day basis and pronounce the judgement within 60 days as per Section 14(3) Scheduled Caste and Scheduled tribes Prevention of Atrocities Act 1989.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. Perused the materials placed on record.

4. The learned counsel for the petitioner brought to the notice of the Court that the final report has already been filed and the same has been taken cognizance by the Special Court in Special S.C.No.65 of 2018.

5. In view of the same, there shall a direction to the Special District and Sessions Court (SC/ST prevention of Atrocities Act Cases), Sivagangai, to ensure the appearance of the accused for framing charges on the same day. Thereafter, learned Special District and Sessions Judge (SC/ST prevention of Atrocities Act Cases) is directed to conduct the trial on day to day basis in strict compliance with the Judgment of the Hon'ble Supreme Court in **Vinod Kumar Vs State of Punjab** reported in **2015 (3) SCC 220** . If any of the accused persons are absconding, the Special Court shall split up the case and proceed with the trial insofar the accused, whose presence has been secured".

6. With the above direction, this Criminal Original Petition is disposed of.

7. The Registry is directed to issue fresh order copy with the aforesaid modification.

Sd/-

Assistant Registrar (CO)

**Earlier order dated 10.09.2018
is modified and fresh order
copy issued on directed by
this Hon'ble Court.**

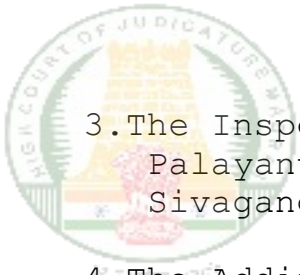
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Sub Assistant Registrar(CS-IV)

To

1. The Special District and Sessions Judge,
(SC/ST Prevention of Atrocities Act Cases),
Sivagangai.

2. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.



3.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

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

+ 1 CC TO MR.A.GOPAL, ADVOCATE IN SR NO.83189

das

BU/PM/SAR-IV :30.10.2018 : 4P/6C

CrI.O.P.[MD].No.16164 of 2018
10.09.2018