

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.202 of 2016

M.Raja

... Petitioner

Vs.

1.The State, rep. by
The Inspector of Police
V-5, Thirumangalam Police Station
Chennai 600 040
Crime No.445 of 2014

2.S.D.V.Chandru
3.S.D.V.Prakash

... Respondents

PRAYER: This Criminal Revision Case has been filed Under Section 397 r/w 401 of Cr.P.C to set aside the order passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.1809 of 2015 in Crl.M.P.No.7875 of 2014 dated 21.07.2015.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Surya Prakash
Govt.Advocate (Crl.Side) for R1

Mr.H.Rajasekar for R2 & R3

O R D E R

This Criminal Revision Case has been filed by the petitioner Under Section 397 r/w 401 of Cr.P.C to set aside the order passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.1809 of 2015 in Crl.M.P.No.7857 of 2015 dated 21.07.2015.

2.There was a complaint filed by the revision petitioner against the 2nd and 3rd respondent before the respondent police under Section SC & ST Prevention of Atrocities Act 1989 and land grabbing, forgery under penal law. The bail was granted to the 2nd & 3rd respondents by the designated Court in Crl.M.P.No.7875 of 2014 on 21.05.2014, against which, the petitioner / defacto complainant filed petition in Crl.M.P.No.1809 of 2015 to cancel

the bail granted to the 2nd & 3rd respondents.

3.The petition filed by the petitioner in CrI.M.P.No.1809 of 2015 in CrI.M.P.No.7875 of 2014 in Crime No.145 of 2014 was heard by the learned Principal Sessions Judge, Chennai and the same was dismissed. The said order has been challenged by the defacto complainant by way of this Revision.

4.On reading of the order passed by the learned Principal Sessions Judge, the reasons stated by the learned Judge for dismissing the cancellation of bail is not acceptable. As per SC ST (Prevention of Atrocity) Act, 1989, the defacto complainant should be heard before granting bail.

5.On a perusal of records, it is clear that the defacto complainant was not heard before granting bail by the designated Court in CrI.M.P.No.7875 of 2014 dated 21.05.2014. While granting bail the Special Court has stated that the defacto complainant need not be heard before granting bail by the Special Court. The said finding is not correct. This fact has not been considered by the Sessions Judge while passing order is cancellation of bail petition. Hence, the order passed by the learned Principal Sessions Judge, Chennai in CrI.M.P.No.1809 of 2015 dated 21.07.2015 is hereby set aside.

6.Further, the learned Government Advocate (CrI. Side) appearing for the 1st respondent would submit that the investigation is completed and closure report also filed.

7.However, the Special Court is hereby directed to proceed with the charge sheet in accordance with law after issuing notice to the defacto complainant / victim.

8.With the above direction, this Criminal Revision Case stands allowed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To.

1.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai 600 040,
Crime No.445 of 2014.

2.The Principal Sessions Judge, Chennai.

3.The Public Prosecutor,
High Court of Madras,
Madras 600 104.

+1 CC to Mr.H.Rajasekar, Advocate sr 14821.

+1 CC to Mr.R.Sankarasubbu, Advocate sr 15009.

Cr1.R.C.No.202 of 2016

BS (CO)
SP(03/04/2019)



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