



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.(MD)No.3001 of 2019

Periyasamy

... Petitioner

Vs.

1.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

2.Vijaya Shankar
3.Pradeep Shankar
4.Indumathi
5.Maheswaran

... Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate Court No.II, Sivakasi, Virudhunagar District to take on file of the petitioner's petition filed under Section 15(3) Cr.P.C., dated 07.02.2019.

For Petitioner : Mr.R.Murugappan
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the Judicial Magistrate Court No.II, Sivakasi, Virudhunagar District to take the petitioner's petition filed under Section 156(3) Cr.P.C., on file.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) for the first respondent.

3. The learned counsel for the petitioner submits that the petitioner has preferred the complaint before the first respondent police to register the case for the offence under the SC/ST (POA) Act. Since it was not done, he came before this Court in Cr1.O.P. (MD)No.9617 of 2018, which was disposed of with a direction to the petitioner to prefer a complaint before the learned Magistrate. When the same was done in due compliance of the order of this Court, the learned Magistrate has returned it indicating that the



complaint have to be filed before the Special Court. The petitioner now seeks a direction to the learned Magistrate to receive the complaint in terms of the order of this Court made in CrI.O.P.(MD)No.9617 of 2018.

4. After the amendment of SC/ST (POA) Act by Act 1/ 2016, the Sessions Court has been empowered to take direct cognizance of the offence and necessarily the complaint may have to be laid only before the Sessions Court. Therefore, this Court does not find any error in the order of the learned Magistrate.

5. In view of the above, nothing survives for further adjudication in this petition. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.II, Sivakasi

2.The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.

3.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

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

+1 CC to M/s.R.MURUGAPPAN, Advocate(SR-54466[F] dated
15/03/2019)

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Order made in
CrI.OP.(MD)No.3001 of 2019
15.03.2019

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