



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.3906 of 2019

L.G.Sarath Inigo
(Represented by his mother
C.R.Gladys Stella Bai)

... Petitioner

/Vs./

1.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli City.

2.The State rep. By
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District,
(Crime No.105 of 2019)

3.Kathiravan

... Respondents

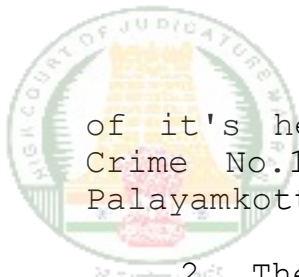
Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the learned II Additional District Judge, (PCR Act Cases), Tirunelveli, Tirunelveli District to dispose of the petitioner's bail application on the date of it's hearing i.e., 14.03.2019 in connection with the case in Crime No.105 of 2019 on the file of the Inspector of Police, Palayamkottai Police Station, Tirunelveli City.

For Petitioner : Mr.R.Anand
for M.Eswaran

For R-1 and R-2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
This petition has been filed to to direct the learned II Additional District Judge, (PCR Act Cases), Tirunelveli, Tirunelveli District to dispose of the petitioner's bail application on the date



of it's hearing i.e., 14.03.2019 in connection with the case in Crime No.105 of 2019 on the file of the Inspector of Police, Palayamkottai Police Station, Tirunelveli City.

2. The long and short of the petitioner's story is that the petitioner is arrayed as accused in Crime No.105 of 2019 registered for the offences punishable under Sections 294(b), 506(i) IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015. The defacto complainant is the practicing Advocate of Tirunelveli Bar Association.

3. Be that as it may, the petitioner was arrested in that case and no member of the Tirunelveli Bar was willing to appear for the petitioner, since the defacto complainant happens to be their colleague in the same bar. The petitioner therefore moved this Court in Crl.O.P.(MD)No.SR7219 of 2019, wherein this Court vide its order dated 06.03.2019 permitted the petitioner's mother to make necessary application before the II Additional District Judge (PCR Act Cases), Tirunelveli. Accordingly, the petitioner's mother had moved the Special Court with the bail application on 07.03.2019, which was taken on file in Crl.M.P.No.696 of 2019. In the meantime, the defacto complainant was also put on notice about the pending petition. On 07.03.2019, when the matter was moved, the learned Special Public Prosecutor took time. Therefore, the case stood over to 12.03.2019. Even on 12.03.2019 also, the Special Public Prosecutor took time, whereas the defacto complainant went unrepresented. The matter now stands adjourned to 14.03.2019.

4. The learned counsel for the petitioner now seeks only a direction to the learned Special Judge for SC/ST POA Act, to dispose of the aforesaid application atleast on 14.03.2019.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Sid) for the respondent.

6. Since the third respondent will have an opportunity to oppose the bail application before the Special Court, this Court dispenses with the notice to him.

7. This Court now directs the learned Special Judge (II Additional District Judge - PCR Act Cases), Tirunelveli to dispose of the case in Crl.M.P.No.696 of 2019 in Crime No.105 of 2019 not later than 14.03.2019.

8. The learned Government Advocate (Crl.Side) is instructed to instruct the concerned Investigating Agency to go with all the necessary instructions to the Special Public Prosecutor, when the matter is taken up by the Special District Court. He is further directed to inform the Special Public Prosecutor in PCR Court, Tirunelveli about the operative portion of this order telephonically.



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

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/TRUE COPY/

Sd/-

Assistant Registrar (ADMIN-I)

Sub Assistant Registrar

To

1. The II Additional District Judge - PCR Act Cases,
Tirunelveli
 2. The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli City.
 3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District,
(Crime No.105 of 2019)
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. C.C. to M/S.M.Eswaran, Advocate SR.No. 53791

Order made in
Crl.O.P. (MD) No.3906 of 2019
13.03.2019

TA

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