



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
Monday, the Twenty Ninth day of July Two Thousand and Nineteen
present

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD). No.6693 of 2019

in

CRL.OP.No.5817 of 2019

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Thiruppathi
S/O.NAGAMUTHU METTUVALAIVU STREET
DEVADANAPATTI THENI DISTRICT

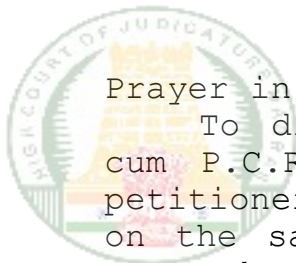
... Petitioner/Accused 3 to 5

Vs

- 1 THE DEPUTY SUPERINTENDENT OF POLICE,
THENI DISTRICT
- 2 THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION
THENI DISTRICT ... Respondents / Complainant
- 3 MARIYAMMAL,
W/O.MANIVEL SWEEPER COLONY 1ST WARD
DEVADANAPATTI THENI DISTRICT
- 4 MANIVEL,
S/O.NOT KNOWN 1ST WARD DEVADANAPATTI
THENI DISTRICT
- 5 SANTHOSH
S/O.MANIVEL 1ST WARD DEVADANAPATTI THENI
DISTRICT
- 6 JAYA,
S/O.NOT KNOWN 1ST WARD DEVADANAPATTI
THENI DISTRICT
- 7 MANIKANDAN
S/O.NOT KNOWN 1ST WARD DEVADANAPATTI
THENI DISTRICT ... Respondent/Victims

Prayer :-

To extend the time limit for surrender before the Principle District and Sessions Judge-Cum-PCR Court, Theni in CrI.OP. No.5817/2019 dated 23.04.2019 in Cr.No.164/2019 on the file of the 2nd respondent police.



Prayer in CRL OP(MD). 5817/ 2019 :

To direct the Learned Principal District and Sessions Judge cum P.C.R.Court, Theni to consider the bail application of the petitioners/ Accused 3 to 6 if any filed by them on their surrender on the same day in Cr.No.164 of 2019 on the file of the second respondent police.

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ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.MANIKANDAN, Advocate for the Petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor, for the 1st and 2nd Respondent, this Court made the following order:

The petitioners seek extension of time to surrender before the trial Court.

2.Earlier, this Court by an order dated 23.04.2019 made in Crl.O.P.(MD).No.5817 of 2019, directed the petitioners to surrender before the concerned Court and the relevant portion of the order is as follows:-

"2.In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to surrender before the trial Court within a period of ten days from the date of receipt of a copy of this order and on such surrender, the learned Principal District and Sessions Judge cum P.C.R Court, Theni, shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the victims under Section 15-A of the SC/ST Act.

3.This Criminal Original Petition is disposed of with the above directions. The petitioners are directed to take private notice to the victims intimating the date of their surrender."

3.According to the petitioners, the notice has already been served on the defacto complainant, but, he did not appear before the concerned Court. Since the defacto complainant did not appear before the trial Court, the learned trial Judge has not accepted the petitioners' application for surrender.

4.Considering the facts and circumstances of the case, this Court directs the Principal District and Sessions Judge cum P.C.R. Court, Theni, to verify whether the notice issued under Section 15-A of the SC/ST Act was served on the defacto complainant. If the notice found served on the defacto complainant, but, he failed to appear before the concerned Court, the learned Principal District and Sessions Judge cum P.C.R. Court, Theni, is directed to consider the petitioners' application and pass suitable orders without insisting the appearance of the defacto complainant.



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5. Time already granted by this Court to surrender before the trial Court is extended by two more weeks from the date of receipt of a copy of this order.

6. Accordingly, the petition is ordered.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. THE DEPUTY SUPERINTENDENT OF
POLICE POLICE THENI DISTRICT
2. THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION THENI DISTRICT
3. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE - CUM - PCR COURT,
THENI.
4. THE SPECIAL GOVT. PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1CC TO MR.P.MANIKANDAN, Advocate Sr. No. 12487

ORDER DATED : 29/07/2019

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ORDER
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CRL MP(MD). No.6693 of 2019
in
CRL.OP.No.5817 of 2019

Giving direction and etc.
as stated within.

KMK(CO)
TR (05.08.2019) 3P 8C