



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD).No.393 of 2019

Murugan : Appellant /
Petitioner / Accused No.4
Vs.

1.The State,
Rep. by the Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
(Crime No.166 of 2009)

: Respondents 1 and 2 /
Complainant

3.Sekar : Respondent No.3 /
De-facto complainant

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to set aside the order dated 26.08.2019 by the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (PoA) Act, Sivagangai in S.C.No.134 of 2010 and enlarged the appellant on bail.

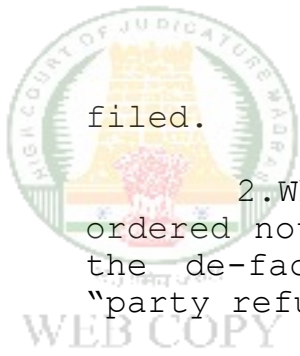
For Appellant : Mr.K.Anbarasan

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
(for R-1 and R-2)

Refused notice (for R-3)

JUDGMENT

The appellant herein was surrendered and was remanded to custody on 19.08.2019 in S.C.No.134 of 2010, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (PoA) Act, Sivagangai. His bail application was dismissed on 26.08.2019. Challenging the same, this appeal has been



filed.

2. When the matter was taken up for hearing, this Court had ordered notice to the de-facto complainant. The notice was sent to the de-facto complainant has been returned with an endorsement "party refused".

3. The appellant/petitioner was absconding for a period of six months. There are totally six accused in this case. If an accused absconded, it shall certainly stall progress of the trial. Therefore, the appellant's counsel gave an undertaking that the appellant/petitioner will hereafter regularly appear on all future hearing dates. If he is unable to appear, on the said date of absence application under Section 317 of Cr.P.C., will be filed and advocate will represent him. In any event, on account of the appellant/petitioner there will not be stalling of the progress of the trial.

4. Recording this undertaking, the order impugned in the appeal is set aside and this appeal is allowed and the appellant/petitioner is enlarged on bail.

Sd/-

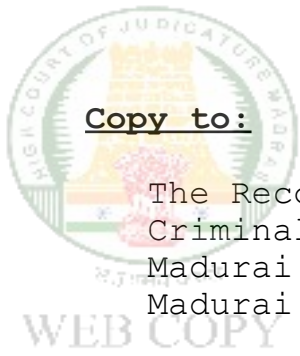
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sessions Judge,
Special Court for Exclusive Trial of cases
under SC/ST (PoA) Act, Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
3. The Officer-in-Charge, Sub Jail, Sivagangai
4. The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to:

The Record Keeper, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.ANBARASAN, Advocate (SR-14999[I] dated 06/09/2019)

Crl.A(MD).No.393 of 2019
06.09.2019

sj
JMN(09.09.2019) 3P : 9C