



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2019
CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

CRL.O.P (MD) .No.12701 of 2017

A. Balakrishnan Petitioner /Complainant

Vs.

S. Manickam Respondent / Accused

Prayer : This petition is filed under Section 482 Cr.P.C., to set aside the docket returned endorsement dated 07.08.2017 in unnumbered Crl.M.P.No... of 2017 on the file of the learned Judicial Magistrate, Sivakasi, Virudhunagar District and to direct him to take the private complaint on its file forthwith.

For Petitioner : Mr.B.Jeyakumar

For Respondent : Mr.D.Dhana Chandra Prakash

ORDER

This petition has been filed against the return endorsement made by the Court below returning the private complaint filed by the petitioner.

2. The petitioner has filed a private complaint before the Court below for offences under Sections 294(b), 506(i) IPC r/w. 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. This complaint has been returned by the Court below with an endorsement that it has no jurisdiction to enquire into the complaint and the Court below has directed the petitioner to present the complaint before the appropriate Court.

3. The learned counsel for the petitioner submitted that the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur has been designated as the Special Court under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Therefore, the learned counsel submitted that the Special Court has been given power to directly take cognizance of the offence either on a police report or on a private complaint. In



order to substantiate his submissions, the learned counsel relied upon the decision of this Court reported in **2017(4) CTC 371 (In-Re, the Registrar (Judicial), High Court, Madras - 600 104)**

4. It is seen from the records that the petitioner had presented the complaint before the Judicial Magistrate, Sivakasi, Virudhunagar District, and therefore, the complaint has been returned.

5. In view of the settled position of law as explained by the Division Bench, the Special Court has the power to take cognizance of a private complaint, wherein the said complaint is filed for the offences under SC/ ST Act.

6. In view of the above, the petitioner is directed to file the complaint before the Principal District and Sessions Court, Virudhunagar District at Srivilliputur, which is designated as Special Court to deal with the offences under the SC / ST Act and the said Court shall deal with the same in accordance with Chapter 19 (Part B) of the Code of Criminal Procedure and proceed further in accordance with law.

7. This Criminal Original Petition is disposed of accordingly.

8. Registry is directed to return the original complaint that has been filed by the learned counsel for the petitioner, in order to enable the petitioner to represent the same before the concerned Court, after substituting a copy of the same.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS-)

To

The Judicial Magistrate,
Sivakasi, Virudhunagar District

Copy To:

1.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**



2. The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.B.JEYA KUMAR, Advocate (SR-86839[F] dated 16/09/2019)

CRL.O.P(MD) .No.12701 of 2017
12.09.2019

trp
ES/03.10.2019/2P/6C