



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.18762 of 2019

P.K. Ramkumar

...Petitioner/Defacto complainant

Vs.

The State Represented through
the Deputy Superintendent of Police,
Thoothukudi South P.S.
In Crime No. 533 of 2019.

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to grant direction, directing the learned II Additional Sessions Judge, The Special Court for SC/ST (Prevention of Atrocities Act), Tirunelveli to complete the trial expeditiously in S.C. No. 187 of 2019 within the time limit that may be stipulated by this Court.

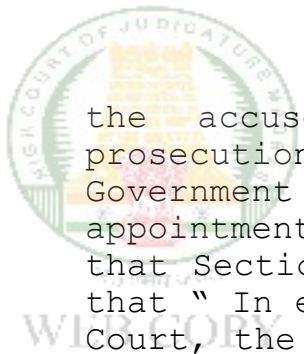
For Petitioner : Mr.Christopher for
Mr.A.S. Vaigunth

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been filed to direct the learned II Additional Sessions Judge, The Special Court for SC/ST (Prevention of Atrocities Act), Tirunelveli to complete the trial expeditiously in S.C. No. 187 of 2019 within the time limit that may be stipulated by this Court.

2. The learned counsel appearing for the petitioner would submit that the brother of the petitioner was murdered by one Rajesh and his associates, in respect of which Crime No. 533 of 2019 was registered by the South Police Station, Thoothukudi for the offences under Sections 147, 148, 341, 294(b), 302, 506(ii), 120(B) of IPC and Section 3(2)(V) of SC/ST (Prevention of Atrocities) Act, 1989. He would further submit that all the accused persons were arrested and that the trial Court had granted bail to A-19. He would further submit that the accused are notorious habitual offenders against whom several cases are pending and they are capable of creating fear in the society. He would further submit that in the event of delay in the trial, there is a possibility that



the accused persons may threaten the petitioner and other prosecution witnesses. At the request made by the petitioner the Government has issued a G.O. (D) No. 1316, dated 06.11.2019 for appointment of Special Public Prosecutor. He would further submit that Section 14(3) of SC/ST (Prevention of Atrocities) Act mandates that " In every trial in the Special Court of the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court of the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing ."

3. He would further submit that the Act provides for speedy trial and thereby would pray that specific direction may be issued to the learned trial Judge to complete the trial within the time limit stipulated by this Court.

4. The learned Government Advocate appearing for the respondent police would submit that the Accused Nos.19 & 20 were released on bail and A-21 is still absconding and the respondent police is taking steps to arrest A-21. She would further submit that there are totally 57 witnesses in this case and the respondent police is ready to get along with the trial on day-to-day basis, if the case is split up against the remaining accused.

5. Taking into consideration, the apprehension of the petitioner that there is possibility of the witnesses being threatened in the event of there being delay, direction is issued to the learned II Additional Sessions Judge, The Special Court for SC/ST (Prevention of Atrocities Act), Tirunelveli to split up the case against the available accused and proceed with the trial on day-to-day basis and complete the trial, within a period of Three Months, from the date of examination of the first witness.

6. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The II Additional Sessions Judge,
Special Court for SC/ST (Prevention of Atrocities Act),
Tirunelveli

2. The Deputy Superintendent of Police,
Thoothukudi South P.S.

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

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-106085[F] dated
19/12/2019)

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19.12.2019

KK/SAR/20.12.2019/3P-5C/