



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 06.03.2020

PRESENT

THE HON`BLE **MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P(MD) .No.3928 of 2020

and

Crl.M.P(MD) .No.2161 of 2020

Dhanasekaran @ Thondai Dhanasekaran ... Petitioner / Accused

Vs

1.State through

The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai.

2.The Inspector of Police,

Sivagangai Town Police Station,
Sivagangai.

(In Crime No.5/2017)

... Respondents / Complainant

PRAYER : Petition filed under Section 482 of Cr.P.C to quash the impugned docket order passed in Spl.S.C.No.64 of 2018 dated 17.02.2020 on the file of the Special Court for Exclusive Trial of SC/ST Act, 1989 cases.

For Petitioner : Mr.T.Kumar

For Respondents : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

Heard the learned counsel on either side.

2.The petitioner is figuring as A1 in Spl.S.C.No.64 of 2018 on the file of the Special Court for Exclusive Trial of SC/ST Act, 1989 cases, Sivagangai. It appears that on 17.02.2020, there was quarrel

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between the petitioner and the fourth accused in the Court verandah. A4 is said to be in custody. This was taken very seriously by the learned Trial Judge and in my view rightly so. The decorum and majesty of Court campus will have to be maintained. Therefore, the learned Sessions Judge was absolutely justified in taking a serious view of the matter. But then the petitioner would strongly maintain before this Court that he was keeping quiet and that it was only the fourth accused who came there and picked up quarrel.

3.The petitioner is seriously aggrieved by the various directions passed by the learned Sessions Court as a sequel. The learned Sessions Judge had passed an order under Section 7(2) of the SC/ST (POA)Act for attaching the property of the petitioner. He had also directed the Investigation Officer to file a petition for cancellation of the petitioner's bail. Both the orders seriously prejudice the right of the petitioner. The petitioner was not heard before the said order was passed. In fact, there is considerable merit in the submission of the petitioner's counsel that the occurrence by itself need not have triggered such a drastic response to the extent of directing the Investigation Officer to apply for cancellation of the petitioner's bail. It is not as if the petitioner interfered with the course of justice or threatened the prosecution witnesses. Nothing of that sort happened. It was only a petty quarrel between A1 and A4.

4.I am of the view that the quarrel between the accused themselves need not lead to cancellation of their bail. In any event, the learned Sessions Judge could not have passed order to the prejudice of the petitioner without hearing him.

5.In this view of the matter, the impugned docket order passed in Spl.S.C.No.64 of 2018 dated 17.02.2020 on the file of the Special Court for Exclusive Trial of SC/ST Act, 1989 cases, stands set aside. This Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judge,
Special Court for Exclusive Trial of SC/ST Act, 1989 cases,

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2.The Deputy Superintendent of Police,
Sivagangai Sub Division, Sivagangai.

3.The Inspector of Police,
Sivagangai Town Police Station, Sivagangai.

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

+1 CC to M/s.T.KUMAR, Advocate (SR-10489[F]

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SDS (10.03.2020) 3P-6C