



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.4093 of 2020

Arputham

... Petitioner/Sole Accused

Vs

1.The Assistant Superintendent of Police,
Valliyoore Range,
Valliyoore,
Tirunelveli District.

2.The State Rep. by
The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
(Crime No.78 of 2020)

... Respondents/Complainants

3.Ayyakutti

... Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned II Additional Sessions Judge, Tirunelveli, Tirunelveli District to accept the surrender and subsequent bail application of the petitioner herein in connection with Crime No.78 of 2020 on the file of the Inspector of Police, Panagudi Police Station, Panagudi, Tirunelveli District and later consider the same on merits and in accordance with law on the same day itself.

For Petitioner : Mr.S.Palani Velayutham

For R1 & R2 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

This direction petition has been filed under the impression that Crime No.78 of 2020 registered against the petitioner includes the offence under Section Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989.



2. When the matter was taken up for hearing, the learned Government Advocate (Crl.side) submitted that FIR has since been altered and the offences under provision of SC & ST Act have been deleted. Now Crime No.78 of 2020 on the file of the Panagudi Police station, is registered only for the offences under Sections 294(b) and 324 of IPC.

3. This Court directs the petitioner to surrender and the learned jurisdictional Magistrate is directed to dispose of the petitioner's bail petition on the same day of surrender. The question of issuing notice to the defacto complainant does not arise, because the offence under Section SC & ST Act has been deleted.

4. The learned Government Advocate (Crl.side) submitted that the papers may still be with the Sub Court and may not have reached the jurisdictional Magistrate.

5. The petitioner has come forward to surrender before the Court below. If the papers have not reached the Court of the jurisdictional Magistrate, the petitioner's surrender will not be accepted. The petitioner can surrender, after the papers reach the jurisdictional Magistrate.

6. This criminal original petition is disposed of on these terms.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The II Additional Sessions Judge,
Tirunelveli, Tirunelveli District.

2. The Assistant Superintendent of Police,
Valliyoora Range,
Valliyoora,
Tirunelveli District.



3. The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

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

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-10286[F] dated
05/03/2020)

Crl.O.P (MD) No.4093 of 2020
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JMN(12.03.2020) 3P : 6C