



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

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Crl.A.(MD)No.153 of 2020

Balamurugan ..Appellant/Petitioner/Accused No.2

Vs.

1.The State rep. by
The Deputy Superintendent of Police
Sivagangai,
Sivagangai District. ..1st Respondent/Investigation Officer

2. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai,
Sivagangai District
Crime No.74 of 2012 .. 2nd
Respondent/Respondent/Complainant

3.B.Karmegakannan ...3rd Respondent/Victim/Defacto
Complainant

Prayer: This Criminal Appeal is filed under Section 14 A (2) of SC/ST (POA) Act 1989 as Amended by Act 1 of 2016 to call for the records pertaining to the order passed in Crl.M.P.No.318 of 2020 in Spl.S.C.No.61 of 2018 on the file of the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Sessions Judge (Full Additional Charge), Sivagangai dated 16.03.2020 and set aside the same as illegal and enlarge the appellant on bail by allowing this appeal.

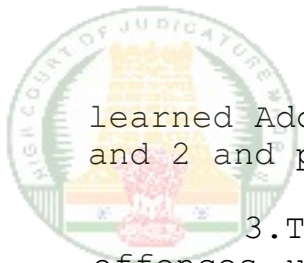
For Appellant	: Mr.T.Veerakumar
For R1 and R2	: Mr.S.Chandrasekar
	Additional Public Prosecutor

J U D G M E N T

The Criminal Appeal has been filed against the dismissal order passed in in Crl.M.P.No.318 of 2020 in Spl.S.C.No.61 of 2018 on the file of the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Sessions Judge (Full Additional Charge), Sivagangai dated 16.03.2020 and set aside the same as illegal and enlarge the appellant on bail by allowing this appeal.

2. Heard the learned counsel for the appellant and the

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learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed before this Court.

3.The case was registered against the appellant for the offences under Sections 342, 307 IPC and Section 3(2)(v) of SC/ST Act, 1989 in Crime No. 74 of 2012. After filing of charge sheet, the case has been numbered as Spl.S.C.No.61 of 2018 on the file of the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Sessions Judge(Full Additional Charge), Sivagangai. After framing of charges, trial commenced and during the pendency of the trial, the appellant did not appear before the trial court and due to non appearance of the appellant Non Bailable Warrant was issued on 04.03.2019 and the appellant surrendered before the trial court on 12.03.2020 and filed recall petition and the same was dismissed, the appellant was remanded to judicial custody on 12.03.2020.

4. The learned counsel for the appellant submitted that though the appellant voluntarily surrendered before the trial court in order to recall the Non Bailable Warrant, the trial court has not considered the same. He would also submit that if the appellant comes out on bail, he will not hamper any witnesses. He prays for grant of bail to the appellant.

5. It is further submission of the learned counsel for the appellant that the appellant is an agricultural coolie and his marriage was also fixed and due to accident he got injury and he had gone for taking treatment and he was not aware of the proceedings and he failed to appear before the court only one hearing and the appellant is ready to abide the conditions in future.

6. The learned Additional Public Prosecutor appearing for the State would submit that since the appellant absconded and did not appear before the court for one year and thereafter only he surrendered before the court, the Sessions Judge has rightly dismissed the bail petition. He would further submit that the appellant has attacked the victim with weapons and the victim sustained injuries and therefore, he prays for dismissal of this appeal.

7. During the pendency of the trial, the appellant did not appear before the court and after one year of issuance of Non Bailable Warrant, the appellant surrendered before the court. At this stage, if the appellant comes out on bail, he would protract the trial.

8.Considering the facts and circumstances of the case and serious nature of the offence, I am not inclined to grant bail to the appellant. However, the trial court is directed to complete the trial within a period of six months from the date of receipt of a copy of this judgement.



9. In the result, this appeal is dismissed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To,

1. The Deputy Superintendent of Police
Sivagangai, Sivagangai District.
2. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai, Sivagangai District
3. The Special Court for Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, the Sessions Judge
(Full Additional Charge), Sivagangai
4. The Superintendent, Central Prison, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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TE(22/04/2020) 3P 6C