



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.[MD]No.8649 of 2020

1.Ramar

2.Vinothkumar

...Petitioners/Accused No.1&2

Vs.

1.The Deputy Superintendent of Police,
Kamuthi, Ramanathapuram District.

2.The Sub Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.432 of 2020)

... Respondents No.1 & 2 /
Complainant

3.B.Bharathi

... Respondent No.3 / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for trial of cases under SC/ST Act, 1989, Ramanathapuram District to accept the petitioners surrender and consider their bail application on the same day in connection with Crime No.432 of 2020 on the file of the second respondent in accordance with law.

For Petitioners : Mr.G.Vishnuram
For R1 and R2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the Special Court for trial of cases under SC/ST Act, 1989, Ramanathapuram District, to accept the petitioners surrender and consider their bail application on the same day in connection with Crime No.432 of 2020 on the file of the second respondent in accordance with law.

2.In earlier, when at the time of registering the case in Crime No.432 of 2020, the respondent police had registered the case against the petitioners under Sections 147, 148, 294(b), 323, 324, 341, 307 and 506(ii) of I.P.C and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, in which the offence under Section 307 of I.P.C requires to be investigated in a detailed manner and also for the said offence, Indian Penal Code provides upto life imprisonment as a punishment.



In the said circumstances, if the prayer sought for by the petitioner is granted in his favour, definitely it will affect the process of investigation, particularly for identifying the truth involved in this occurrence.

3. In this regard, the learned Government Advocate appearing for the respondents 1 and 2, on instructions, would submit that in respect of the offence punishable under Section 307 of I.P.C., the injured persons, who sustained injury in the alleged occurrence, had already been discharged from the hospital after completing treatment. Therefore, particularly in respect of the said offence, custodial interrogation of the accused may not be necessary.

4. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to surrender before the trial Court within a period of four weeks from the date of receipt of a copy of this order and on such surrender, the learned Special Judge for trial of cases under SC/ST Act, 1989, Ramanathapuram District shall deal and dispose the matter on the same day on merits and in accordance with law.

5. In due compliance of Section 15-A of the SC/ST Act, the petitioners shall serve advance notice of surrender and bail two clear days before the intended date of surrender enclosing additional copies on the Special Public Prosecutor of the concerned Court and the Special Public Prosecutor shall intimate it to the defacto complainant through the respondent police.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Special Judge for trial of cases under SC/ST Act, 1989,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Kamuthi,
Ramanathapuram District.
- 3.The Sub Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.8649 of 2020
20.08.2020

SPU (31.08.2020) 3P 5C