



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.9876 of 2020

Senthil Murugan

...Petitioner/Accused No.2

Vs.

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

2.The Inspector of Police
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.134 of 2018)

...Respondents/COMplainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Additional District and Sessions Court for the exclusive trial of PCR Act Cases, Sivagangai, to consider the warrant recall petition to be filed by the petitioner on the same day on his surrender in connection with Spl.S.C.No.18 of 2019 in Crime No.134 of 2018 on the file of the second respondent police.

For Petitioners	: Mr.A.Mohan
For Respondents 1 & 2	: Mr.V.Neelakandan
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Additional District and Sessions Court for the exclusive trial of PCR Act Cases, Sivagangai, to consider the warrant recall petition in connection with a case in Spl.S.C.No.18 of 2019 in Crime No.134 of 2018 on the file of the second respondent police, on the very same day.

2.The allegation against the petitioner / A-2 is that due to enmity between A1 and defacto complainant regarding chit transaction, the petitioner along with other accused had trespassed into the house of complainant and abused filthy language by using his caste name and attempted to attack him with weapons on 09.03.2018. Hence a case in Crime No.134 of 2018 for the offence under Sections 147, 148, 294(b), 447, 323, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, has been registered on the file of the second respondent.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



4.The learned counsel for the petitioner would submit that the petitioner is working as Labour in a construction field at Chennai and he has not committed any offence and wrongly included in this case. The respondent police has filed an absconding charge sheet before the concerned Court and the same was taken on file in Spl.S.C.No.18 of 2019. Non Bailable Warrant has been issued by the learned Special Judge, Sivagangai, on 12.09.2019. Hence the present petition. He would further state that the petitioner is prepared to surrender before the Trial Court and he would co-operate for Trial.

5.Considering the submission made by the learned counsel for the petitioner, the petitioner is directed to surrender before the learned Additional District and Sessions Judge, Additional District and Sessions Court for the exclusive trial of PCR Act Cases, Sivagangai, on the next hearing date. On such surrender, the learned Additional District and Sessions Judge, Sivagangai, shall consider the petitioner's application for recalling the Non-Bailable Warrant on the same day of his surrender and pass orders in accordance with law.

6. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rm

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 Additional District and Sessions Court
for the exclusive trial of PCR Act Cases,
Sivagangai,

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



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

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

Crl.O.P.[MD]No.9876 of 2020
20.11.2020

SGS (CO)
KB(27.11.2020) 3P 5C