



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.No.632 of 2019 and
Crl.M.P.No.13606 of 2019

K.Marimuthu

... Appellant

vs.

The State rep. by
The Deputy Superintendent of Police,
Varanjaram Police Station,
Villupuram District
(Crime NO.124 of 2015)

... Respondent

The Criminal Appeal filed under Section 374(2) of Cr.P.C. praying to call for records and to set aside the judgment and sentence dated 27.08.2019 imposed in Special S.C.No.38 of 2016 on the file of the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram.

For Appellant : Mr.R.Vivekanandan

For respondent : Mr.S.Sugendran

Government Advocate (Crl.Side)

JUDGMENT

The above criminal appeal has been filed against the judgment and sentence dated 27.08.2019 imposed in Special S.C.No.38 of 2016 on the file of the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram.

2 Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl.Side) appearing for the respondent.

3 It is contended by the learned counsel for the appellant that the alleged occurrence said to have taken place on 03.07.2015 and the appellant and others were charged for the offences under Sections 147, 148, 294(b), 323, 324, 326, 506(ii) IPC r/w 3(1)(x) of SC/ST (PoA) Act, 1989, but, the Sessions Court framed charges under amended Act i.e. 3(1)(r)(s) of SC/ST (PoA) Act, 2015, which came into force only on 31.12.2015 w.e.f.26.01.2016. It is stated that the trial Court wrongly framed charges under amended Act and convicted, which is not sustainable in law.



4 It is seen that the trial Court framed charges under the amended Act i.e. 3(1)(r)(s) of SC/ST (PoA), 2015, which came into force on 31.12.2015 w.e.f.26.01.2016, whereas the offence committed on 03.07.2015 i.e. before the amended Act come into force.

5 Hence, without going into the merits of the case, the judgment of conviction and sentence dated 27.08.2019 imposed in Special S.C.No.38 of 2016 by the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram, is hereby set aside and the matter is remanded back to the learned Sessions Judge to alter the charges according to Old Act and pronounce judgment accordingly.

6 This Criminal Appeal is disposed of accordingly. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Special Court for SC/ST Act Cases, Villupuram.
2. The Deputy Superintendent of Police,
Varanjaram Police Station,
Villupuram District
3. The Public Prosecutor, High Court of Madras.

Copy to
The Section officer
Criminal Section,
High Court, Madras.

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VSN II(CO)
B.VC(09.08.2021)