



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.14790 of 2021

WEB COPY

Siva @ Subasundaram

... Petitioner / Accused No.7

Vs.

1.The Deputy Superintendent of Police,
Thirumayam Range,
Pudukkottai District.

2.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.35 of 2018).

... Respondents / Complainant

3.Kannan

... Respondent /Defacto Complainant

4.Parthiban

5.Sarathkumar

... Respondents / Victim

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Special Court for Prevention of SC/ST Act Cases, Pudukkottai and consider the petitioner's Bail Application on the same day upon his surrender pursuant to the Non Bailable Warrant issued in Spl.S.C.No.101 of 2019, dated 23.10.2019, pending on the file of the learned Special Court for prevention of SC/ST Act Cases, Pudukkottai and grant bail on the date of surrender itself.

For Petitioner : Mr.E.Balasubramanian

For Respondents : Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the learned Special Court for Prevention of SC/ST Act Cases, Pudukkottai and consider the petitioner's Bail Application on the same day upon his surrender pursuant to the Non Bailable Warrant issued in Spl.S.C.No.101 of 2019, dated 23.10.2019, pending on the file of the learned Special Court for prevention of SC/ST Act Cases, Pudukkottai and grant bail on the date of surrender itself.

<https://hcservices.court.gov.in/hcservices/> The learned counsel for the petitioner submitted that this



petitioner is involved in Crime No.35 of 2018 for the offences under Sections 147, 148, 294(b), 324 of IPC and Section 3(1)(r), 3(1)(s) & 3(2)(va) of SCH Caste SCH Tribes (Prevention of Atrocities) Amendment Act, 2015. The learned counsel further submits that the petitioner was earlier released on bail and since the Charge Sheet was not filed, due this avocation, he went to Malaysia. Hence, a split charge sheet has been filed in Spl.S.C.No.101 of 2019 and Non-Bailable Warrant is pending from 23.10.2019.

3.I find absolutely no merit in this petition. It appears that the petitioner earlier released on bail and without proper permission, he went to Malaysia and therefore, Non Bailable Warrant has been issued. He has to appear before the concerned Court and get the warrant recalled by making proper reasons. Hence, question of directing the Special Court to consider the recall petition is not proper and appropriate.

4.Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.Special Judge,
For Prevention of SC/ST Act Cases, Pudukottai.

2.The Deputy Superintendent of Police,
Thirumayam Range,
Pudukkottai District.

3.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.



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

**Crl.O.P. (MD)No.14790 of 2021
01.10.2021**

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KS (CO)

SB(01.11.2021) 3P 5C