



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAR

CRL.A.(MD)No.524 of 2021

Parthiban

.. Appellant / Accused No.3

-Vs-

1.The Deputy Superintendent of Police,
Thoothukudi Rural, Thoothukudi.

2.The State through
The Sub Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
In Crime No.93 of 2021

.. Respondents/Complainants

3.Revathy

.. Respondent/
Defacto Complainant

PRAYER: Criminal Appeal filed under Section 14A(2) of Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.1280 of 2021, dated 26.11.2021 on the file of the learned Special Court for Trial of Cases registered under SC/ST (POA) ACT 1989, Thoothukudi and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Appellant : Mr.R.Anandha Raj for Mr.J.Sivakumar

For Respondents : Mr.K.Sanjai Gandhi for R1 & R2
Government Advocate (Crl. Side)
Mr.S.Anto Prince for R3

JUDGMENT

This Criminal Appeal has been filed against the dismissal order, dated 26.11.2021, passed by the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, 1989, Thoothukudi in Cr.M.P.No.1280 of 2021.

2.When the matter is taken up for hearing, the learned counsel for the defacto complainant filed vakalath and is present before this Court. The learned counsel for the defacto complainant submitted that suppressing the fact that the appellant has filed another bail application before the Special Court in CrI.M.P.(MD). No.1561 of 2021, has filed this present appeal. He has filed the e-court status report, which shows that the above said application has been filed before the concerned Court on 16.12.2021, whereas, this appeal has been presented before this Court on 14.12.2021. It appears that the above said bail application has been filed before the Special Court, after presenting this appeal before this Court, by suppressing the presentation of appeal before this Court.



3.Now this appeal has been objected by the learned counsel for the defacto complainant stating that it is a clear suppression of facts before the Appellate Court as well as before the trial Court.

4.Whatever may be, since the petitioner has already filed an application for statutory bail before the trial Court in Cr.M.P.No.1561 of 2021, let the petitioner workout his remedy before the concerned Court.

5.With the above liberty, this appeal stands dismissed. But however, the learned counsel for the petitioner has expressed his grievance that the observation made in this appeal may have an impact on the bail application filed before the Special Court. The dismissal of this appeal should not stand in the way of entertaining the bail application before the Special Court. Such liberty is always available to the petitioner, since he is entitled for a statutory bail. The Special Judge, is directed to decide the same on its own merits, without being influenced by any of the observations made by this Court in the appeal or by the contents found in the appeal grounds.

Sd/-

Assistant Registrar (CS II)

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/ /2021

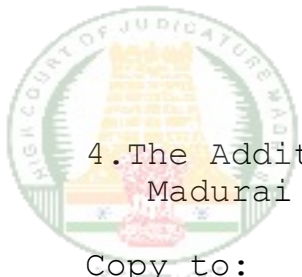
Sub Assistant Registrar(CS)

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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 Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989, Thoothukudi.
- 2.The Deputy Superintendent of Police, Thoothukudi Rural, Thoothukudi.
- 3.The Sub Inspector of Police, Thattaparai Police Station, Thoothukudi District.



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

Copy to:

The Section Officer, Criminal Records,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-39402[F] dated
17/12/2021)

CRL.A. (MD) No. 524 of 2021
17.12.2021

MGJ(20.12.2021) 3P 8C