

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.337 of 2022

M.Kaliyaperumal

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C to set aside the order passed in Crl.M.P.No.1395 of 2021, dated 15.11.2021 of the learned Principal District & Sessions Judge, Ariyalur and call for the records and direct the lower Court to allow his petition in Crl.M.P.No.1395 of 2021 on the file of the learned Principal District & Session Judge, Ariyalur.

For Petitioner : Mr.V.Kannadasan

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl. side)

O R D E R

This criminal revision petition has been filed praying to set aside the order dated 15.11.2021 made in Crl.M.P.No.1395 of 2021 on the file of the learned Principal District & Sessions Judge, Ariyalur.

2. The petitioner herein is the complainant in CrI.M.P.No.1395 of 2021, before the learned Principal District & Sessions Judge, Ariyalur. He filed a complaint as against one Nanthakumar and Parthiban, who are the Police Officers conducted investigation in Crime No.187 of 2018 on the file of the Ariyalur Police Station registered for the offences under Sections 294(b), 324, 506(ii) r/w. Section 3(1)(a), 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act.

3. In the said complaint, the petitioner levelled allegations as against the said police officers, as they recorded false statement from the witnesses and also not filed any final report within 60 days from the date of registration of the case, which is mandatory under the provisions of SC/ST Act. Hence, in view of that, they were liable to be convicted under Section 4(1)(2)(c)(d)(e) of the SC/ST(Prevention of Atrocities) Amendment Act. The said complaint filed by the petitioner has been dismissed by an order dated 15.11.2021 by the learned Principal District and Sessions Judge, Ariyalur. Challenging the same the petitioner is before this Court with this Criminal Revision Case.

4. Heard the learned counsel appearing on either side and perused the materials on record.

5. It is not in dispute that as of now, in the petition mentioned Crime No.187 of 2018, the respondent Police completed the investigation and filed final report and later the same has been assigned with case number as Spl.S.C.No.38 of 2018. Further the said case has been posted for framing charges against the accused persons. Further as of now, none of the witnesses, who are arrayed as witnesses in the charge sheet have been given evidence before the trial Court and the trial is in initial stage. Particularly, the Investigating Officer, who conducted the investigation in the above referred case has not been given any evidence in respect of his investigation.

6. Therefore, without seeing the evidence given by the witnesses, no one can come to the conclusion that the proposed accused have committed an offence under the provisions of SC/ST (Prevention of Atrocities) Amendment Act. The trial Court has also observed that in the absence of materials, the Court cannot come to the conclusion that the proposed accused have committed the offence under Section 4(1)(2)(c)(d)(e) of the SC/ST (Prevention of Atrocities) Amendment Act. The said view taken by the trial Court is fully within the four corners of law and therefore interference in the above referred order is not necessary.

7. Accordingly, this Criminal Revision Case is dismissed as above.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

rts

To

1.The Principal District & Sessions Judge,
Ariyalur.

2.The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court of Madras.

Crl.R.C.No.337 of 2022

PMK(CO)
CB(12/04/2022)