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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.26091 OF 2021

1. R.Jayganesh
2. Kirubakaran
3. Aakash Manikandan
4. P.Jegathisan
5. Madavan @ Madeswaran
6. Mathiyazhagan
7. Surendar
8. Rajkumar
9. P.S.Nandakumar
10. P.S.Ramkumar
11. Arun Kumar
12. Kavim @ Govindaraj
13. Ramesh
14. Suresh
15. Vinoth Kumar
16. Parameshwaran
17. Vijayakumar
18. Soundaraj
19. Yogeshwaran
20. Thamaraiselvan
21. Prakash
22. Saravanan
23. Hariharan
24. Chandrasekaran
25. Jamunarani
26. Keerthika@Vasanthi
27. Eswari
28. Jaya
29. Hema@Hemalatha
30. Nandu@Nandha Kumar

... Petitioners/Accused Nos.3,
6,9 to 16, 19, 20, 23 to 30,
7,32, 36, 37, 39 to 44

Versus

1. The State Rep. by its
The Deputy Superintendent of Police,
Paramathi Vellur,
Namakkal District.



2. The Inspector of Police,
Vellur Police Station,
Namakkal District,
(Crime No.352/2021)

... Respondents 1 & 2/
Complainant

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3. Arul

... 3rd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for the exclusive trial of SC and ST Act cases, Namakkal to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Crime No.352 of 2021, dated 30.03.2021 on the file of the 2nd respondent police.

For Petitioners : Mr.G.Muthukumar

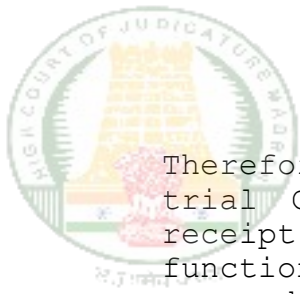
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 and R2

ORDER

This petition has been filed seeking a direction, to direct the Special Court for the exclusive trial of SC and ST Act cases, Namakkal to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Crime No.352 of 2021, dated 30.03.2021 on the file of the 2nd respondent police.

2. It is mentioned by the learned Additional Public Prosecutor that the petitioners had earlier moved CrI.O.P.No.8779 of 2021, and by order dated 06.05.2021, this Court had shown indulgence and directed the petitioners to appear before the jurisdictional Court within a period of six weeks. Thereafter, failing to comply with the order, they had filed this petition for similar prayer, hence objected to the same. From the petition, it is seen that the petitioners have wrongly mentioned the respondent Police. In view of the same, they are unable to comply with the earlier order and the reason is acceptable.

3. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases.



Therefore, the petitioners are directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order or after commencement of normal functioning of the Court, which ever is later and on such surrender, the Special Court for the Exclusive trial of SC/ST Act Cases, Namakkal shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the victims under Section 15-A (3) of the SC/ST Act.

4. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mpl/dna

To

1. The Special Court for the Exclusive
Trail of SC/ST Act Cases,
Namakkal.
2. The Deputy Superintendent of Police,
Paramathi Vellur,
Namakkal District.
3. The Inspector of Police,
Vellur Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Muthukumar, Advocate, S.R.No.534

CRL.O.P.NO.26091 OF 2021

BS(CO)
PBS/06/01/2022