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Crl.O.P.No.27710 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.27710 of 2022

1. Velu
2. Rani

...Petitioners

-Vs-

State
Rep. by The Inspector of Police,
Poolampatty Police Station,
Salem District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to set aside the order of dismissal passed in respect of extension of time petition in Crl.M.P.No.675 of 2022 dated 28.09.2022 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Salem.

For Petitioners : Ms.R.S.Maitreya

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to set aside the order of dismissal passed in respect of extension of time petition in Crl.M.P.No.675 of 2022 dated 28.09.2022 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Salem.

2. The petitioners are the second and third accused in Crime No.24 of 2020 on the file of the respondent police for the offence under Sections 9, 10 of the Child Marriage Restraint Act, 1929 read with Sections 5 (j)(ii) of Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The petitioners were granted anticipatory bail on 03.07.2020 with the following conditions:-

“In the result, the petition is ordered and there by the petitioners/accused No.2 and 3 are released on anticipatory bail on executing a bond for Rs.50,000/- each with two sureties like sum for each accused to the satisfaction of this Court immediate after the lifting of lock down by the State Government on condition that the petitioners shall not in any event tamper the witnesses and on surrender before this Court for executing a bond, the petitioners shall appear before the respondent police daily at 9.00.AM until further orders.”



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3. In compliance of the above said conditions, the petitioners did not surrender immediately after the lifting of the lock down. Thereafter, they filed a petition in Crl.MP.No.675 of 2022 seeking to extend the time for surrendering before Court and the same was dismissed on 28.09.2022. Aggrieved over that, the present petition has been filed before this Court.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent. Perused the entire materials available on record.

5. The learned counsel for the petitioners submitted that even though the petitioners were willing to surrender before the Court in compliance of the conditional order passed in the anticipatory bail petition, it was not possible since they fell ill. In the meanwhile, they changed the counsel and got misdirected.

6. Though the petitioners have been granted with anticipatory bail, the petitioners did not make use of the order by showing all seriousness. The petitioners wanted to condone the delay of 555 days and sought further extension. The learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem has rightly dismissed the petition. Because of the non appearance of the petitioners, Non Bailable Warrant is also



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pending for nearly two years. The respondent was also inactive without executing the warrant. Since the offence is falling under POCSO Act, it should be disposed of within the specified time lines. The petitioners ought to have shown some seriousness to make use of the order. The absence of the petitioners causes further delay in disposing of the matter.

7. In order to avoid the further delay, one week extension time is granted to the petitioners to surrender before the Special Court for Exclusive Trial of Cases under POCSO Act, Salem and comply the conditional order already passed in Crl.MP.No.268 of 2020.

8. With the above directions, this Criminal Original Petition is disposed of.

11.11.2022

kmi

Note: Issue Order Copy today (11.11.2022)

To

1. The Inspector of Police,
Poolampatty Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras,
Chennai-104.



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R.N.MANJULA, J.

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