



Crl.A.(MD) No.401 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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Subramaniayan

... Appellant/Accused

Vs.

1.The Deputy Superintendent of Police,
Rameshwaram,
Ramanathapuram District.

2.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.291 of 2021)

... Respondents/Complainants

3.Shanmugapriya

... Respondent/Defacto Complainant

Prayer : This Criminal Appeal has been filed under Section 14-A(2) of SC/ST Act, 1989 and Section 1 of Amendment Act, 2016, to call for records order in Crl.M.P.No.164 of 2022 passed by the Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram in Crime No. 291 of 2021 offence under Sections 302, 201, 457, 380, 212, 411 of IPC r/w Section 3(2)(V) of SC/ST (POA) Amendment Act, 2015 on the file of the



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respondent police and set aside the same as illegal and grant bail to the appellant/accused in Crime No.291 of 2021 on the file of the second respondent police.

For Appellant : Mr.D.Balamurugapandi,

For Respondents : Mr.B.Nambi Selvan,
Additional Public Prosecutor for R1 & R2

JUDGMENT

This Criminal Appeal is directed against the order passed by the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram (FAC), in Crl.M.P.No.164 of 2022 dated 26.05.2022, dismissing the bail petition.

2.The case of the prosecution is that the defacto complainant's mother and sister were burnt alive in suspicious manner and that the defacto complainant lodged a complaint before the second respondent police.

3.When the matter was taken up for hearing on 30.06.2022, this Court considering the submission made by the learned Additional Public Prosecutor that



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charge sheet has been filed on 13.04.2022 and the case was not taken on file, directed the Registry to call for a report from the concerned Court as to whether charge sheet has been filed and the same was taken on file or not.

4.In pursuance of the same, the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, has submitted a report dated 06.07.2022 stating that charge sheet has been filed on 16.05.2022 and was taken on file on 06.07.2022 in Spl.S.C.No.29 of 2022 and the case stands posted on 11.07.2022 for appearance of the accused.

5.It is evident from the records that the appellant has filed a petition for bail under Section 167(2) of Cr.P.C., in Crl.M.P.No.164 of 2022 and the learned Sessions Judge, after considering the fact that charge sheet has already been filed, dismissed the petition.

6.When the matter is taken up for hearing today, the learned counsel for the appellant would submit that it would be suffice, if the learned trial Judge is directed to dispose the case within the time fixed by this Court.



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7.Since the learned Sessions Judge has dismissed the petition for statutory bail on the ground that charge sheet has been filed, this Court finds no merit in the present bail petition and the same is liable to be dismissed.

8.Accordingly, this Criminal Appeal is dismissed. However, the learned trial Judge is directed to furnish the copies of the records within a period of one week from the appearance of the accused and thereafter to dispose of the case as expeditiously as possible, preferably within a period of three months.

07.07.2022

Index : Yes/No
Internet : Yes/No
csm



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To:-

- 1.The Sessions Judge,
Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Rameshwaram,
Ramanathapuram District.
- 3.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
Crl.A.(MD)No.401 of 2022**

07.07.2022