



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.R.C(MD)No.920 of 2021**

Perumal

... Revision Petitioner/Petitioner

Vs.

1. The State represented by  
The Deputy Superintendent of Police,  
Srivaikundam Police Station,  
Thoothukudi District.  
(Crime No.47 of 2018) ... 1<sup>st</sup> Respondent/1<sup>st</sup> Respondent
2. Krishnan @ Kannan Panniyar
3. Viyakumar
4. Ponraj
5. Mohan ... Respondent No. 2 to 5

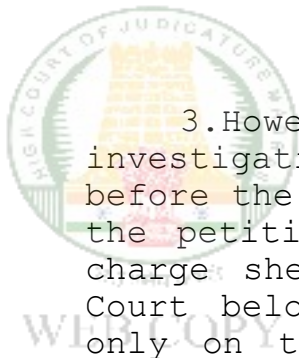
**Prayer:** This Criminal Revision Petition filed under Section 397, r/w.401 of Cr.P.C. to call for the records of pertaining to the order of the learned Special Court for Exclusive trail of cases under SC/ST (POA) Act Sessions Judge, Thoothukudi passed in Crl.M.P No.461 of 2021 Crime No.47 of 2018 dated 04.09.2021 and set aside the same.

For Petitioner : Mr.S.Sarvagan Prabhu  
For Respondent No.1 : M/s.M.Aasha  
Government Advocate (Criminal Side)  
for R1  
Mr.R.Elayaraja for R2 & R3  
For R4 & R5 No Appearance

**ORDER**

This Criminal Revision Petition has been filed to set aside the order of the learned Special Court for Exclusive trail of cases under SC/ST (POA) Act Sessions Judge, Thoothukudi passed in Crl.M.P No.461 of 2021 Crime No.47 of 2018 dated 04.09.2021.

2.The petitioner is the complainant and lodged the complaint, as against the respondents 2 to 5 herein, before the Inspector of Police, Alwarthirunagari, Thoothukudi District and the same has been registered in Crime No. 47 of 2018, for the offences punishable under Sections 294(b), 341, 323, 506(ii) IPC r/w 3(1)(r,s), 3(2)(va) of SC/ST (POA) Act, 2015, subsequently transferred to the file of first respondent police.



3.However, the first respondent after completion of investigation filed referred charge sheet as 'mistake of fact', before the concerned Court. On receipt of the referred charge sheet, the petitioner filed Protest petition and challenged the referred charge sheet filed by the first respondent herein. However, the Court below without recording any statement from the petitioner, only on the basis of report submitted by the first respondent, dismissed the protest petition filed by the petitioner.

4.In view of the above, this Criminal Revision Petition is allowed and the impugned order passed by the learned Special Court for Exclusive trail of cases under SC/ST (POA) Act Sessions Judge, Thoothukudi in Crl.M.P No.461 of 2021 in Crime No.47 of 2018 dated 04.09.2021 is set aside and Crl.M.P.No.461 of 2011 in Crime No.47 of 2018, is remanded back to the trial Court for fresh disposal. It is made clear that the Court below is directed to record the evidence of the petitioner and supportive witnesses and material evidence. Thereafter, dispose the protest petition on merits, in accordance with law.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Exclusive trail of cases  
under SC/ST (POA) Act, Thoothukudi
- 2.The Deputy Superintendent of Police,  
Srivaikundam Police Station,Thoothukudi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate ( SR-11331[F] dated 10/03/2022 )

+1 CC to M/s.R.ILAYARAJA, Advocate ( SR-11037[F] dated 10/03/2022 )

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