



Crl.A(MD)No.631 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.A(MD)No.631 of 2022

Subramaniyan

... Appellant

Vs

1. The Deputy Superintendent Of Police,
Mandapam, Ramanathapuram District.

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

3. Shanmugapriya

... Respondents

PRAYER :- Criminal Appeal filed under Section 14A(2) of Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to set aside the order, dated 28.09.2022 in Cr.M.P.No.841 of 2022, on the file of the Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) ACT 1989, Ramanathapuram and to enlarge the appellant on bail by allowing this Criminal Appeal.



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For Appellant : Mr.D.Rameshkumar

For Respondents : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

J U D G M E N T

This Criminal Appeal has been filed against the order of dismissal, dated 28.09.2022, passed by the Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) ACT 1989, Ramanathapuram in Cr.M.P.No.841 of 2022.

2.On the side of the appellant, it is stated that the appellant was arrayed as A2 in the case and he has not directly involved in the offence, as alleged by the prosecution. It is stated that the appellant has received nose-screw from A1 and he has given a sum of Rs.2,000/- to the first accused. More over, the appellant is a Srilankan Refugee and he is in custody for more than 10 months and he is in noway connected with the offence. Without considering the submissions made by the petitioner, the trial Court had dismissed the said petition.



3.On the side of prosecution, it is stated that the appellant/A2 knowing fully well that the first accused involved in a brutal murder of two innocent women, he voluntarily helped him and gave amount of Rs.2,000/- by receiving nose-screw of the deceased persons. It is a case of brutal murder. More over, the appellant is a Srilankan refugee, if he is released on bail, he will abscond and he will evade from the trial proceedings. Hence, strongly oppose to allow this petition.

4.Heard both sides. The prosecution story is that the first accused brutally murdered two innocent women and stolen the articles and knowing fully aware of the said murder, this appellant/A2 received nose-screw of the deceased person from A1 and gave Rs.2,000/- to him.

5.From the above facts and circumstances of the case and on considering the gruesome nature of offence, serious allegations levelled against the appellant and also considering the vehement objection raised by the prosecution, this Court finds no illegality in the order passed by the trial Court and also finds no reason to allow this appeal.



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6. In view of the above, this Criminal Appeal stands dismissed.

However, the trial Court is directed to complete the trial proceedings, within three months, from the date of receipt of a copy of this order.

13.10.2022

Index : Yes / No
Internet : Yes/ No
PNM

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,
Mandapam, Ramanathapuram District.
3. The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No. 291/2021.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

PNM

ORDER IN
Crl.A(MD)No.631 of 2022

13.10.2022