



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.A.(MD)No.532 of 2021

R.Elavarasan

... Appellant

Vs.

1.G.SenthilKumar,
Inspector of Police,
Palani Town Police Station,
Palani District, Palani.

2.Vivekanandan,
Additional Deputy Superintendent of Police,
Palani District, Palani.

3.Siva,
Deputy Superintendent of Police,
Palani District, Palani.

... Respondents

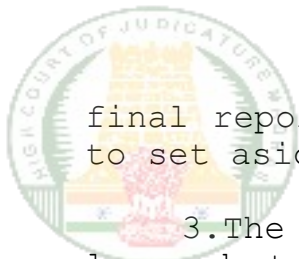
Prayer: This Criminal Appeal is filed under Section 14-A(1) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, to call for the records of the order dated 26.11.2021 in Crl.M.P.No.851 of 2021 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul and set aside the same and convict the respondents/accused persons.

For Appellant : Mr.T.Lajapathi Roy
For Respondents : Mr.Ajmal Khan, Senior Counsel,
For Mr.C.Gangai Amaran

JUDGEMENT

This criminal appeal has been filed as against the order made in Crl.M.P.No.851 of 2021 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, thereby dismissed the private complaint filed by the appellant.

2.The learned counsel for the appellant would submit that the learned trial Court dismissed the appellant's complaint stating that the appellant did not produce the community certificate. However, it is the duty of the enquiry officer to collect materials to attract the offence under the provisions of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act and the trial Court did not provide sufficient time to the appellant to produce his community certificate. The enquiry officer purposefully filed the



final report without any materials. Therefore, he prays this Court to set aside the order of the trial Court.

3.The learned counsel for the respondents would submit that the learned trial Court had correctly considered the materials and dismissed the complaint of the appellant as if, it does not attract the offence under the provisions of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act.

4.Heard the learned counsel for the appellant and the learned counsel for the respondents.

5.On a perusal of the complaint lodged by the appellant revealed that the respondents have wilfully failed to perform their duty as public servant by suppressing the material evidence while filing the final report in Crime No.439 of 2018 on the file of the Palani Town Police Station against the appellant's wife and charge sheet has also been filed before the concerned Judicial Magistrate Court for the offences under Section 379 IPC. Therefore, the appellant filed a private complaint and the said private complaint was dismissed under Section 203 CrPC on the ground that the appellant filed the private complaint to take cognizance for the offences under Sections 166, 204 and 280 IPC and for the provisions under Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act as against the respondents.

6.The learned Magistrate summoned the respondents and directed them to produce their community certificate. If they belong to upper community then the learned Magistrate can very take cognizance of the offences under the provisions of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act. Though the learned Magistrate dismissed the private complaint of the appellant on non-production of the community certificate of the respondents, as stated supra, there is absolutely no other material to attract other offences. Therefore, the Court below rightly dismissed the private complaint filed by the appellant. This Courts finds any illegality or infirmity in the order passed by the Court below and it stands confirmed and the criminal appeal stands dismissed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Special Court for Exclusive Trial of
Cases under SC/ST (POA) Act,
Dindigul.
2. Inspector of Police,
Palani Town Police Station,
Palani District, Palani.
- 3.Additional Deputy Superintendent of Police,
Palani District, Palani.
- 4.The Deputy Superintendent of Police,
Palani District, Palani.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.A. (MD) No.532 of 2021
23.03.2022

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