



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.A.(MD).No.549 of 2021

Muthuselvam

...Appellant/Petitioner/Accused No.23

Vs.

1.State represented by

The Deputy Superintendent of Police,
Manamadurai for
Palayanur Police Station,
Sivagangai District.
In Crime No.32/2018.

2.State represented by

The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
In Crime No.32/2018.

...Respondents/Respondents/Complainants

3.Maheshwaran

...Respondents/Respondents/
Defacto Complainant

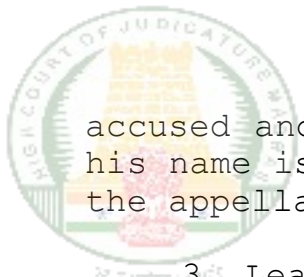
PRAYER: Criminal Appeal filed under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, praying to set aside the order in Crl.M.P.No.1140 of 2021 in Spl.S.C. No.65/2018 dated 16.09.2021, on the file of the Sessions Judge, Special Court for exclusive trial of the cases under SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and enlarge the appellant/accused on bail.

For Appellant	:	Mr.P.Aju Tagore
For R-1 and R-2	:	Mrs.M.Aasha, Government Advocate(Crl. Side)
For R-3	:	No appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the order in Crl.M.P.No.1140 of 2021 in Spl.S.C.No.65/2018 dated 16.09.2021, on the file of the Sessions Judge, Special Court for Exclusive Trial of the cases under SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and enlarge the appellant/accused on bail.

2. The case of the prosecution is that the respondent/complainant registered a case in Crime No.32 of 2018 based on the complaint given by the defacto complainant for the alleged offences under Section 120(b), 147, 148, 294(b), 324, 326, 307, 302 (3 counts) IPC and Section 3(1) of TNPPDL Act read with 3(1)(r), 3(1)(S), 3(2)(VA) of SC/ST (POA) Act against 17 named



accused and others. As far as this appellant/accused is concerned, his name is not in the F.I.R and there is no allegation made against the appellant/accused.

3. Learned counsel for the appellant submitted that the defacto complainant as well as the deceased all belong to the Scheduled Caste and there is a long standing dispute between A3 families as well as the defacto complainant community for providing honor in Karuppanasamy Temple at Katchanatham Village. Due to that motive, on 26.05.2018 at Katchanatham service road, A3 one Chandrakumar scolded the deceased one Shanmuganathan and it was reported to the Thirupachethi Police, as soon as they foisted the case against the said Chandrakumar. Because of that motive on 28.05.2018, at about 9.00 P.M., all the accused named in the F.I.R entered the village with deadly weapon and attacked the defacto complainant and others, in which, three persons died and some were sustained injuries. Hence, the case was registered and after investigation, charge sheet was filed against the appellant herein along with 32 others.

4. Heard both sides and perused the materials available on record.

5. It is seen that the appellant herein is arrayed as accused no.23 in Spl.S.C.No.65 of 2018 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of the cases under SC/ST (POA) Act, 1989, Sivagangai and due to the non-appearance of the appellant, the said Court issued NBW as against the appellant. The appellant was remanded to judicial custody on 27.07.2021. His bail application in CrI.M.P.No.1140 of 2021 was also dismissed. Further, this case is a murder case and therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

6. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Court for SC/ST(POA) Act cases, Sivagangai.

2. The Deputy Superintendent of Police,
Manamadurai,
Palayanur Police Station,
Sivagangai District.

3. The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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16.02.2022

SJ(CO)
KB(04.03.2022) 3P 5C