



WEB COPY



Crl.O.P.No.6909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6909 of 2023

Narender

... Petitioner

Vs.

1. Radha

2. Varadharajan

3. Murugaesan

4. Shanmugam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the return endorsement dated 14.12.2022 in the unnumbered Spl.S.C.No of 2022 on the file of the learned Special Court for trial cases registered under SC/ST (POA) Act, Namakkal.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



CrI.O.P.No.6909 of 2023

ORDER

WEB COPY This Criminal Original Petition has been filed to set aside the return endorsement dated 14.12.2022 in the unnumbered Spl.S.C.No of 2022 on the file of the learned Special Court for trial cases registered under SC/ST (POA) Act, Namakkal.

2. The learned counsel for the petitioner submitted that 1st accused in this case scolded the petitioner and also degraded him with caste. Therefore, private complaint was given against the accused under Section 200 of Cr.P.C before the learned Chief Judicial Magistrate, Namakkal on 17.10.2022. This complaint was returned by the Court requiring community certificate of the respondents.

3. The scheme of the SC/ST Act requires that, only a person who is not being a member of the Scheduled Caste or Scheduled Tribe can be punishable under Section 3 of SC/ST Act. Therefore, this Court finds no illegality or irregularity in the learned Special Court for SC/ST Cases, Namakkal asking for community certificate of the respondent.



Crl.O.P.No.6909 of 2023

4. Accordingly, this Criminal Original Petition is dismissed. Liberty is granted to the petitioner to comply with the return endorsement made by the learned Judge.

29.03.2023

sma

To,

1. Inspector of Police,
Deevattipatti Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6909 of 2023

G.CHANDRASEKHARAN,J.

sma

Crl.O.P.No.6909 of 2023

29.03.2023