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Crl.O.P.No.24411 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM :

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

Crl.O.P.No.24411 of 2023

and

Crl MP No. 16972 of 2023

1.Nallendran
2.Periyasamy
3.Pandiyan

.. Petitioners

VS

State
Rep. By the Deputy Superintendent of Police,
Attur, Sub Division,
Thammampatti Police Station,
(Crime No.163/2021),
Salem District.

.. Respondent

Petition filed under Section 482 of Cr.P.C. to set aside Docket Order made in Cr.M.P.(SR) No.4743 of 2023 in S.C.No.24 of 2021, dated 12.09.2023 by the learned Special Judge for offence under S.C. And S.T.Act and Principal District and Sessions Judge, Salem.

For Petitioners	:	Ms.Jayasri Baskar
For Respondent	:	Mr.S.Udaya Kumar Government Advocate (Crl Side)



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ORDER

The petitioners herein are accused in S.C.No.24 of 2021 for alleged offences under Sections 294(b), 323, 302 IPC, 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (POA) Amendment Act.

2. Discharge petition under Section 227 read with 228 CrPC filed by the petitioners before the Special Judge for offence under SC/ST Act was not entertained by the Court and returned with endorsement '*how the petition is maintainable. To be explained with relevant citation*'.

3. The petitioners re-submitted relevant citations and quoted the relevant provision thrice. However, the Court has not taken up the petition for consideration on merits. Hence, the petitioners are before this Court.

4. Without advertent to the merits and contents of the discharge petition, this Court directs the petitioners herein to file a fresh discharge petition before the trial Court within a period of 15 days from today. If any such discharge petition is filed under



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Section 227 CrPC, the same may be taken on file and disposed of on merits.

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5. With the above directions, this Criminal Original Petition stands disposed of. Connected miscellaneous petition is closed.

09.11.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

1.The Deputy Superintendent of Police,
Attur, Sub Division,
Thammampatti Police Station,
(Crime No.163/2021),
Salem District.

2.The Public Prosecutor,
High Court, Madras.



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DR G. JAYACHANDRAN.,J

ssm

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