



Crl.O.P.(MD) No.1262 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD) No.1262 of 2023

Tamilarasan,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Alangudi Division,
Pudukottai District

2. The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.
(Crime No.2 of 2014).

3. Subramanian,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to directing the special court for the exclusive Trail of SC and ST POA Act Cases, Pudukottai to consider the petitioner's application to recall the nonailable warrant issued against the petitioner in Spl.S.C.No.58 of 2019 on the same day of the his surrender.

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For Petitioner : Mr.A.V.Arun

For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking a direction to the Special court for the exclusive Trial of SC and ST POA Act Cases, Pudukottai to consider the petitioner's application to recall the non bailable warrant issued against the petitioner in Spl.S.C.No.58 of 2019 on the same day of the his surrender.

2.The learned Counsel appearing for the petitioner would submit that initially, the case was ordered to be split up as against four accused and the case against the other accused was proceeded and that after trial, they were acquitted and out of four split up accused, three of them have filed petitions before this Court in Crl.O.P(MD)Nos.4235 and 20207 of 2022 and this Court has quashed the proceedings as against the accused Nos.1, 2 and 10/petitioners therein. He would further submit that since the petitioner is in abroad, non-bailable warrant is still pending against him and he is facing trial for the offences under Sections 148, 294(b), 326, 506(2) of IPC, Section 2 of



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Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and Section 3(1)(r)(s), 3(2)(Va) of Scheduled Caste and Scheduled Tribes Act..

3.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.

4.Considering the above facts and circumstances of the case, the petitioner is directed to surrender before the concerned Court, within a period of ten days from the date of receipt of a copy of this order and on such surrender, the jurisdictional Court is directed to pass orders on the same day, on merits and in accordance with law.

5.It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favorably.



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6. With the above directions, this criminal original petition is disposed of.

24.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
lr

To

1. The Special court for the exclusive
Trail of SC and ST POA Act Cases,
Pudukottai.

2. The Deputy Superintendent Of Police,
Alangudi Division,
Pudukottai District

3. The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.

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



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K.MURALI SHANKAR, J.

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