



CRL.O.P.(MD)No.3126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.3126 of 2023

Vairavakesu

... Petitioner

Vs

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ramanathapuram District,
Ramanathapuram District.
- 3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondents to provide adequate police protection to the petitioner and the independent witnesses in Spl.S.C.No.12 of 2020 on the file of the Hon'ble Special Court for Trial of Cases registered under SC/ST (POA) Act, Ramanathapuram District, by considering the petitioner's representation dated 03.02.2023 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumani

For R-1 to R-3 : Mr.SS.Madhavan
Government Advocate (Criminal Side)

ORDER

This petition is filed under Section 482 of Cr.P.C., seeking for a direction to respondents to provide adequate police protection to the petitioner and to the independent witnesses in Spl.S.C.No.12 of 2020 on the file of the learned Special Court for Trial of Cases registered under SC/ST (POA) Act, Ramanathapuram District, by considering the representation of the petitioner dated 03.02.2023.

2. Heard Mr.R.Alagumani, learned counsel for the petitioner and Mr.SS.Madhavan, learned Government Advocate for the respondents.

3. It is submitted by the learned counsel for the petitioner/defacto complainant that on a complaint given by the petitioner, alleging that the accused have killed the son of the petitioner by name Aravinthan on Ramanathapuram-Devipattinam highways, third respondent Police have registered a case in Crime No.67 of 2020 against the accused for the offences punishable under Sections 147, 307, 302, 120 B, 109 of the Indian Penal Code and Sections 3 (2) (v), 3 (2) (va) of the SC/ST (POA) Amendment Act, 2015.



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On completion of the investigation, filed a charge sheet on the file of the Special Court for Trial of Cases registered under SC/ST (POA) Act, Ramanathapuram District which was taken cognisance for the offences under Sections 147, 307, 302, 120 ?, 109 of the Indian Penal Code and Sections 3 (2) (v), 3 (2) (va) of the SC/ST (POA) Amendment Act, 2015 in Special S.C.No.12 of 2020.

4. It is submitted by the learned counsel for the petitioner/defacto complainant that the accused persons are highly influential and they have been threatening the petitioner and eye witnesses including P.Ws.2, 4 to 6 and threatening them to give evidence in their favour, during the trial. It is also submitted that the accused persons are also influencing the Special Public Prosecutor, appearing in Spl.S.C.No.12 of 2020, thereby he is not showing interest to expedite the trial. He further submitted that the accused persons have been following the petitioner's daughter and threatening her.

5. The petitioner has also filed another Criminal Original Petition in Crl.O.P.No.3219 of 2023, to direct the District Collector to appoint Special Public Prosecutor to prosecute the case and the same is also being disposed of, vide, order dated 1/9/2023.



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6. Learned Government Advocate (Criminal Side) on the other hand submits that the respondent Police will be directed to provide Police protection to the petitioner until the trial is completed, if the petitioner is apprehending on the hands of the accused person. Submission of the learned Government Advocate (Criminal Side) is recorded.

7. Considering the submissions of the petitioner and learned Government Advocate (Criminal Side), it appears an attempt is being made to win over the witness one way or the other, but there is no material placed before the Court to that effect. In any event, production of witness is the responsibility of the State. Further, the duty of the State does not end with filing of a charge sheet in the Court. The State, through prosecuting agency is expected to see that witnesses are produced before the Court and made them to depose fearlessly. Accordingly, the respondents Police are directed to provide suitable Police protection to the petitioner and independent witnesses in Spl.S.C.No.12 of 2020 on the file of the learned Special Court for trial Cases registered under SC/SR (POA) Act, Ramanathapuram, until trial is completed.

8. With the above direction, this Criminal Original Petition is disposed of.



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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg/mvs

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ramanathapuram District,
Ramanathapuram District.
- 3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

tsg/mvs

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