



CrI.O.P.(MD)No.13415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **27.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.13415 of 2023

Nanthakumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
(Crime No.2 of 2023)

3.Vinothini

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to accept the surrender of the petitioner before the Special Court for SC/ST (Prevention of Atrocities) Act, ie., the 1st Additional District and Sessions Judge, Pudukkottai, in connection with the Crime No.2 of 2023 on the file of the 2nd respondent police and to consider the bail application filed by the petitioner on the same day.

For Petitioner : Mrs.A.Banumathi for
Mr.A.Daniel Leo



Crl.O.P.(MD)No.13415 of 2023

For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking for a direction to the 1st Additional District and Sessions Judge, Pudukkottai, to accept the surrender and to consider the bail application to be filed by the petitioner on the same day in connection with Crime No.2 of 2023 on the file of the respondent No.2 police.

2. When the matter was taken up for hearing, the learned Government Advocate (Crl.side) brought to the notice of this Court that earlier the petitioner has filed similar application vide Crl.O.P.(MD) No. 10447 of 2023 and the same was dismissed by this Court vide order dated 19.06.2023.

3. The Hon'ble Supreme Court of India in ***Shahzad Hasan Khan v. Ishtiaq Hasan Khan and Another*** reported in ***(1987) 2 SCC 684***, held that the successive bail applications filed by the litigants with idea of forum shopping is a depreciable conduct in the field of law. The relevant portion reads as under:-



"The convention that subsequent bail application should be placed before the same Judge who may have passed earlier orders has its roots in principle. It prevents abuse of process of court inasmuch as an impression is not created that a litigant is shunning or selecting a court depending on whether the court is to his liking or not, and is encouraged to file successive applications without any new factor having cropped up. If successive bail applications on the same subject are permitted to be disposed of by different Judges there would be conflicting orders and a litigant would be pestering every Judge till he gets an order to his liking resulting in the credibility of the court and the confidence of the other side being put in issue and there would be wastage of courts' time. Judicial discipline requires that such matters must be placed before the same Judge, if he is available for orders. Since Justice Kamleshwar Nath was sitting in court on June 23, 1986 the respondent's bail application should have been placed before him for orders."

4. Once similar petition has already been dismissed by this Court, without mentioning the reasons for further application and suppressing about filing of earlier petition the petitioner cannot file one more application and therefore, this Petition is dismissed.

Index : Yes/No
Internet : Yes/No
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27.07.2023



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To

- 1.The 1st Additional District and Sessions Judge,
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai District.
- 3.The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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