



WEB COPY



Crl.O.P.No.1438 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.1.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1438 of 2024

1.Karthikeyan

2.Mathivanan

...Petitioners

Vs.

The Inspector of Police,
Paramathi Police Station,
Namakkal District.

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the Special Court for Trial of Cases under the SC/ST (POA) Act, Namakkal to consider and pass an order on the bail application of the petitioners on the same day in the event of their surrender in Crime No.2 of 2024 on the file of the respondent police.

For Petitioners : Mr.S.Muthukrishnan
For Respondent : Mr.A.Gopinath, GA (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to direct the Principal Sessions Court/Special Court for Exclusive Trial of Cases registered under the SC/ST (Prevention of Atrocities) Act, Namakkal to



Crl.O.P.No.1438 of 2024

consider the bail application of the petitioners on the same day in the event of their surrender in Crime No.2 of 2024 on the file of the respondent.

2. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity hereinafter referred to as the Act), this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to appear in-person before the Special Court within a period of two weeks from the date of receipt of a copy of this order. The Special Court shall order reasonable, accurate and timely notice as mandated under Sec. 15 A (3) of the Act to the victim or his/her dependent by RPAD/through the respondent police and on such service of notice, the learned Special Judge shall deal with the matter as expeditiously as possible on merits and in accordance with law, after hearing the victim or his/her dependent either in person or through counsel/ legal aid counsel as mandated under Section 15A(5) of the Act, in compliance with the judgment in the case of *Hariram Bhambhi vs Satyanarayan* [reported in *2021 SCC Online SC 1010*].



Crl.O.P.No.1438 of 2024

3. This Criminal Original Petition is disposed of with the above directions.

30.1.2024

Note : Issue on 31.1.2024

Index : Yes/No

Speaking Order : Yes/No

To

1.The Principal Sessions Court/
Special Court for Exclusive Trial of
Cases registered under the SC/ST
(Prevention of Atrocities) Act, Namakkal.

2.The Inspector of Police,
Paramathi Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

SSR



WEB COPY



Crl.O.P.No.1438 of 2024

N.ANAND VENKATESH,J

SSR

Crl.O.P.No.1438 of 2024

30.1.2024