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Crl.O.P. No. 3958 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2024

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3958 of 2024

1. M.Vadivel
2. Amudha

.. Petitioners

Vs.

1 STATE REP BY
SUB INSPECTOR OF POLICE, KANNAMANGALAM,
POLICE STATION, THIRUVANNAMALAI ,
2 STATE REP BY,
DEPUTY SUPERINTENDENT OF POLICE,
KANNAMANGALAM POLICE STATION LIMIT,
THIRUVANNAMALAI
3 SIVAGAMI
W/O.SIVALINGAM NO.481 MURUGAR KOVIL 2ND
STREET KATTUKANALLUR VILLAGE ARNI TALUK
TIRUVANNAMALAI DISTRICT

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Honble Special Court for SC/ST Prevention of Atrocities Act cases at Tirvannamalai to accept the surrender of the petitioner and consider their bail application on the same day in connection with Cr.No.48 of 2024 registers U/s.294(b) 323 506(ii) of IPC and U/s.3(1)(r) 3(1)(s) of the SC and ST prevention of Atrocities Act 1989 dated 30.01.2024 pending investigation on the file of 1st respondent.

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For Petitioner : Mr.S.Xavier Felix
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction, to the learned Special Court for SC/ST Prevention of Atrocities Act cases at Tirvannamalai, to consider the bail application of the petitioner herein on the very day of surrender pertaining to the Cr.No.48 of 2024 on the file of the respondent police.

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 petitioner is 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**



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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 Sec 15A (5) of the Act, in compliance with *Hariram Bhambhi vs Satyanarayan, reported in 2021 SCC Online SC 1010*.

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

22.02.2024

Index :Yes/No

Internet:Yes/No

Speaking/Non speaking order

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Note : Issue order copy on 23.02.2024



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N. ANAND VENKATESH,J

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To

1. The learned Special Sessions Judge, SC/ST cases at Salem
2. STATE REP BY
SUB INSPECTOR OF POLICE, KANNAMANGALAM,
POLICE STATION, THIRUVANNAMALAI ,
3. STATE REP BY,
DEPUTY SUPERINTENDENT OF POLICE,
KANNAMANGALAM POLICE STATION LIMIT, THIRUVANNAMALAI
4. The Public Prosecutor,
High Court, Madras.

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22.02.2024