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Crl.O.P.No.18352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM :

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

**Crl.O.P.No.18352 of 2024
and Crl.M.P.Nos.10873 and 10874 of 2024**

Venkatachalam

.. Petitioner

Versus

**1. The Deputy Superintendent of Police,
Thiruchengode,
Namakkal District.**

**2. The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.**

3. Chandrasekar

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records concerned in Spl.S.C.No.09/2024 on the file of the Special Court for Trial of cases under SC/ST (POA) Act, Namakkal and quash the same.

For Petitioner : Mr.S.Vijayakumar

**For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side),
for RR-1 and 2**



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ORDER

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A case in Spl.S.C.No.09 of 2024 on the file of the Special Court for Trial of Cases under SC/ST Act, Namakkal is now sought to be quashed stating that the statements of the witnesses under Section 161 of Cr.P.C., do not make out any offence.

2. However, on perusing the statements, this Court finds that one Chandrasekhar, who is the de-facto complainant has made a specific allegation against this petitioner about calling with the caste name. Though the petitioner states that the de-facto complainant is habitual complainant misusing the provisions of SC/ST Act, this Court has to look into the merits of each case and cannot draw common inference against the complainant. The points raised by the petitioner herein are to be tested in the trial.

3. Learned Counsel for the petitioner states that the petitioner is 72 years old and his personal appearance may be dispensed with. This Court is of the view that the said request can be made to the Trial Court and if any petition is filed, the Trial Court shall consider in accordance with law and shall insist upon the physical appearance of the petitioner only when his



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appearance is essential while answering the charges, identification and answering incriminating evidence under Section 313 of Cr.P.C.

4. Hence, this Criminal Original Petition is dismissed with the aforesaid liberty. Consequently, connected miscellaneous petitions are closed.

31.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Deputy Superintendent of Police,
Thiruchengode,
Namakkal District.
2. The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

grs

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