



Crl.M.P.No.16307 of 2024 in
Crl.O.P.No.25057 of 2024

P.VELMURUGAN, J.

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In Crl.O.P.No.25057 of 2024, filed by the petitioner for a direction to the Principal Sessions Judge, SC/ST Act Cases, Erode, to consider his bail application following his surrender in connection with Crime No. 315 of 2024, on the file of the second respondent police, on the same day, this Court, by order dated 09.10.2024, has passed the following order:-

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 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 at Erode 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 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 direction.

2. The grievance of the petitioner is that the time limit granted by the order dated 09.10.2024 has expired. When the matter was called for hearing before the learned Principal District and Sessions Judge for SC/ST Act Cases, Erode, on 05.11.2024, neither the victim nor her counsel was present. Therefore, the petitioner has filed the present miscellaneous petition seeking an extension of time to appear in person before the learned Special Court at Erode.



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3. Considering the serious nature of the offence, particularly under Sections 105, 303(2), 326, and 125 of the BNS, Section 3 of the Explosive Substances Act, Section 9(b)(1)(a)(b) of the Indian Explosives Act, Section 3(3) and Section 4 of the TNPPDL Act, Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, as well as the altered charge under Section 3(2)(v) of the SC/ST (POA) Act, 1989, the Court finds that extending the time limit for appearing in person before the Special Court would not serve the interests of justice. Therefore, this Court is not inclined to grant an extension of time, and the miscellaneous petition is hereby dismissed.

21.11.2024

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