



Crl.A.No.326 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.326 of 2024

Arumugam

... Appellant

Vs.

1.Chandran
2.A.R.Manikandan
3.Kumar
4.Pandiyan
5.Gopalakrishnan

... Respondents

Prayer:

Appeal filed under Section 14(A)(2) of SC/ST Act seeking to call for the records in connection with the order passed by the learned District Sessions Judge, Special Court for Trial of SC & ST Case, Villupuram in Crl.M.P.No.2674 of 2023 dated 11.10.2023 by the learned District Sessions Judge, Special Court for Trial of SC & ST Case, Villupuram and same may be to set aside.

For Appellant : M/s.M.Rajinikanth

J U D G M E N T

The criminal appeal has been filed seeking to set aside the order dated 11.10.2023 passed in Crl.M.P.No.2674 of 2023 by the learned District Sessions Judge, Special Court for Trial of SC & ST



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Case, Villupuram.

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2.The case of the appellant is that when the appellant was working as Salesman in TASMAL on 03.08.2014, in TASMAL Shop 11679 at about 10 a.m., the consumers were purchasing liquor and were standing to the length of 40 meters. Respondents 1 and 2 came and threatened the consumers and assaulted the consumers and people nearby and hence, the consumers threw stones on the TASMAL shop. The appellant informed the Manager Jayaraj and on his instructions, the information was conveyed to Police. Thereafter, when the appellant tried to open the shop at about 6 p.m., 10 more Police including respondents 3 to 5 assaulted the appellant. However, the Police registered a case against the appellant in Cr.No.320 of 2014 for the offence under Sections 147, 148, 294(b), 323, 324, 332, 506(ii) and 307 I.P.C. and he was remanded to judicial custody on 03.08.2014 as if the appellant attacked the Police who were in patrolling duty. Thereafter the appellant filed Crl.M.P.No.2674 of 2023 before the trial Court for taking action against the respondents and the said petition was dismissed. Hence, this appeal.



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3.Heard the learned counsel appearing for the appellant and perused the materials available on record.

4.The alleged incident happened during the year 2014 and the appellant was arrested in the year 2014, however, the appellant has filed Crl.M.P.No.2674 of 2023 before the trial Court for taking action against the accused during the year 2023 after a lapse of nearly nine years. When admittedly the appellant was implicated as accused in Cr.No.320 of 2014 for the offence under Sections 147, 148, 294(b), 323, 324, 332, 506(ii) and 307 I.P.C. and was remanded to judicial custody on 03.08.2014, filing petition to take action against the respondents after nearly nine years is not sustainable one. The trial Court after elaborately discussing all the factual aspects, dismissed the petition filed by the appellant, which warrants no interference.

5.This criminal appeal is dismissed. The order dated 11.10.2023 passed in Crl.M.P.No.2674 of 2023 by the learned District Sessions Judge, Special Court for Trial of SC & ST Case, Villupuram, is confirmed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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To

1.The District Sessions Judge,
Special Court for Trial of SC & ST Case,
Villupuram.

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