



Crl.A.(MD).No.219 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Mahalingam

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

2.The State Rep. By
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

... Respondents 1 & 2
/ Complainants

3.Panchammal

... 3rd Respondent /
De-facto Complainant

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (Prevention of Atrocities) Act, 2015, to set aside the order of the Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, 1989 Ramanathapuram made in Cr.M.P.No.49 of 2024 dated 23.01.2024 and



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allow this appeal by enlarging the appellant on bail in Crime No.230 of 2022 on the file of the second respondent police.

For Appellant : Mr.B.Arun
For R1 and R2 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed to set aside the order of the Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, 1989 Ramanathapuram made in Cr.M.P.No.49 of 2024 dated 23.01.2024 and allow this appeal.

2. The case of the prosecution is that the deceased is the son of the third respondent/defacto complainant, that the deceased had married one Niroja, that there existed dispute between the husband and wife, due to which, the deceased's wife went to her parental home in Thuvaar village, Sivagangai District, one and half year prior to the occurrence, that on 09.10.2022, at about 5.30 p.m, the deceased went to return the beer and brandy bottle to one Sukumar, but even after the mid night, the deceased did



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not return to home, that thereafter the third respondent along with her grandson, namely, Suresh, went to Sukumar's house and searched out the deceased, that the said Sukumar told that the deceased returned to the house already, that they were making search and at that time one Mahalingam and Arumugam informed the third respondent that the deceased's body was lying in Mahalingam's land, that they went to that place and found that the head and body of the deceased were severed and put in separate places and that on the basis of the above said occurrence, a case was registered in Crime No.230 of 2022 for the offences under Section 302 IPC altered into Sections 302 and 120(B) IPC r/w 3(2)(Va) of SC/ST (POA) Amendment Act, 2015.

3. It is evident from the records that the appellant has filed bail application before the Special Court in Cr.M.P.No.49 of 2024 and the same was ordered to be dismissed on 23.01.2024. Aggrieved by the dismissal order, the present appeal came to be filed.



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4. The learned counsel appearing for the appellant would submit that the appellant has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit the co-accused was released on bail on 02.01.2023.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there was no specific overtact against the fourth accused, hence, he released on bail. He further submitted that sufficient materials are available against the appellant to prove the prosecution case. He further submitted that the investigation is going on. Hence, he prays for dismissing the appeal.

6. Considering the facts and the circumstance of this case and also considering the fact that several materials are available against the appellant to prove the prosecution. Accordingly, this Criminal Appeal is dismissed.

7. The learned counsel for the appellant made a request that already 14 witnesses have been examined and only 6 witnesses have to be examined.



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8. Considering the request made by the learned counsel for the appellant, the learned trial Judge is directed to complete the trial process within a period of one month from the date of receipt of copy of this order.

17.04.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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To

- 1.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 2.The State Rep. By
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
3. The Sessions Judge,
Special Court for Trial of Cases Registered under SC/ST (POA) Act,1989
Ramanathapuram.
- 4.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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