



Crl.A.(MD).No.243 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD).No.243 of 2024

and

Crl.M.P(MD).No.3410 of 2024

1.Selina @ Pavithra

2.Rajaji

... Appellants

Vs.

1.State rep. By its,
Deputy Superintendent of Police,
Thiruchuli Sub-Division,
Virudhunagar District.

2.Amaravathi

... Respondent

PRAYER : Criminal Appeal filed under Section 14(A) (2) of SC/ST (POA) Act, to call for the records and set aside the docket order passed in Spl.S.C.No.15 of 2020 dated 11.03.2024 by the learned Special Court for Trial under SC/ST (POA) Act Cases, Srivilliputhur.



Crl.A.(MD).No.243 of 2024

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For Appellant : Mr.T.Balakrishnan
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed to call for the records and set aside the docket order passed in Spl.S.C.No.15 of 2020 dated 11.03.2024 by the learned Special Court for Trial under SC/ST (POA) Act Cases, Srivilliputhur.

2. The learned counsel for the appellants submitted that the case in Crime No.93 of 2020 has been registered against the appellants for the offences under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPWH Act and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) amendment Act, 2015. After completion of investigation, the first respondent police has filed a final report before the concerned Court and the same was taken on file in Spl.S.C.No.15 of 2020. Summons have been issued to the appellants and the same was not served to the appellants.



Crl.A.(MD).No.243 of 2024

WEB COPY

Therefore, the appellants have not appeared before the concerned Court below. He further submitted that without initiating any proceeding as per the judgment of the hon'ble Supreme Court in the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***2005 AIR SCW 5560***, the learned Judge cancelled the bail bond. Challenging the said order, the appellants have filed this appeal.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that summons have been issued to the appellants by the concerned Court below and the same was also served to the appellants, even then, they did not appear before the Court below. Therefore the learned Judge cancelled the bail bond executed by the appellants.

4. Heard the learned counsel for the appellants and the learned Government Advocate (Crl.Side) appearing for the first respondent and also perused the records.

5. Perusal of records shows that so far no summon was served upon the appellants by the trial Court and the learned trial Judge has not



Crl.A.(MD).No.243 of 2024

followed the procedure contemplated in the judgment of the hon'ble Supreme Court in the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***2005 AIR SCW 5560***.

6. In view of the above, docket order passed in Spl.S.C.No.15 of 2020 dated 11.03.2024 by the learned Special Court for trial under SC/ST (POA) Act Cases, Srivilliputhur is set aside. The appellants are directed to appear before the Court below on each and every hearing dates without fail and the learned trial Judge is directed to complete the trial process as expeditiously as possible. If any violation is noticed in future, the learned trial Judge to take action against the appellant as per the judgment of the hon'ble Supreme Court in the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***2005 AIR SCW 5560***. Consequently, the connected miscellaneous petition is closed.

07.06.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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Page 4 of 7



WEB COPY



Crl.A.(MD).No.243 of 2024



Crl.A.(MD).No.243 of 2024

To
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1. The Special Court for Trial under SC/ST (POA) Act Cases,
Srivilliputhur.
2. Deputy Superintendent of Police,
Thiruchuli Sub-Division,
Virudhunagar District.
3. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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Crl.A.(MD).No.243 of 2024

K.K.RAMAKRISHNAN, J.

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Crl.A.(MD).No.243 of 2024

07.06.2024