



*Crl.O.P.(MD)No.19875 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.19875 of 2024

and

Crl.M.P.(MD)No.12252 of 2024

1.Pandi @ Pandian

2.Vijay

... Petitioners

Vs.

State of Tamil Nadu, Rep. by its,  
The Deputy Superintendent of Police,  
Uthamapalayam Sub Division,  
Gudalur South Police Station,  
Theni District.

(Crime No.56 / 2018)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed by the Special Court for Trial of Cases under SC/ST (PoA) Act, Theni, in Cr.M.P.No.858 of 2024, dated 16.10.2024, in Spl.S.C.No.150 of 2020 and allow this Petition.

For Petitioners : Mr.P.Praveenkumar

For Respondent : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor



*Crl.O.P.(MD)No.19875 of 2024*

**ORDER**

WEB COPY

The petitioners, who are facing trial in Spl.S.C.No.150 of 2020, had filed a petition under Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 311 Cr.P.C.), in Crl.M.P.No.858 of 2024, which was dismissed. Aggrieved over the same, the present Criminal Original Petition has been filed.

2. The contention of the learned counsel for the petitioners is that the previous counsel failed to cross-examine witnesses P.W.1 to P.W.9 due to his ill-health. Further, the case bundle could not be collected from him immediately, resulting in the delay.

3. The learned Additional Public Prosecutor submitted that the petitioners are facing trial for offences under Sections 294(b), 323, 324, and 506(ii) I.P.C., and Section 3(1)(R)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereinafter referred to as "the SC/ST Act"]. He further submitted that, under Section 14-A of the SC/ST Act, the petitioners ought to have filed an appeal. Furthermore, under Section 15-A(3) of the SC/ST Act, the victim must



*Crl.O.P.(MD)No.19875 of 2024*

WEB COPY

be served with notice regarding any proceedings involving offences under the said Act. Hence, the de-facto complainant/victim should be made the second respondent and notice should be issued. Furthermore, an appeal should be filed before the appropriate Bench.

4. At this juncture, the learned counsel for the petitioners seeks permission to withdraw the present Criminal Original Petition and file an appeal, arraying the de-facto complainant/victim as the second respondent and he has also made an endorsement to that effect. He further seeks the return of the original impugned order so that the appeal can be filed without further delay.

5. Recording the above said submission, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

**18.11.2024**

Index : Yes / No

smn2

Note:- Registry is directed to return the original impugned order to the learned counsel for the petitioners after substituting attesting photocopy of the same.



*Crl.O.P.(MD)No.19875 of 2024*

To  
WEB COPY

- 1.The Judge,  
Special Court for Trial of Cases under SC/ST (PoA) Act,  
Theni.
- 2.The Deputy Superintendent of Police,  
Uthamapalayam Sub Division,  
Gudalur South Police Station,  
Theni District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*Crl.O.P.(MD)No.19875 of 2024*

**M.NIRMAL KUMAR, J.**

smn2

Order made in  
Crl.O.P.(MD)No.19875 of 2024

Dated: 18.11.2024