



CRL.A(MD).No. 1008 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

CRL.A(MD).No.1008 of 2023

A.Velmurugan

: Appellant

Vs.

1. Anees Nelson

2.Selin

3.Alagaiah

: Respondents

Prayer : This Criminal Appeal is filed under Section 14(A) of the Schedule Castes and Tribes Prevention of Atrocities Act, 2015 (Amended by Act 1 of 2016), to call for the records pertaining to the order passed in CrI.M.P.No.72 of 2023 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli dated 13.09.2023 and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.

For Appellant : Mr.I.Robert Chandrakumar

For Respondents : Mr.Bazeerdeen for R1 & R2
No appearance for R3



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JUDGMENT

Challenging the order dated 13.09.2023 made in Crl.M.P.No.72 of 2023 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli, the present Appeal has been filed.

2. Learned counsel for the appellant submitted that the Court below had dismissed the private complaint filed under Sections 190(1)(a) and 200 of Cr.P.C. to take cognizance of the offences under Sections 294(b), 307, 506(ii) of IPC and Sections 3(1)(r)(s), 3(1)(a), 3(2)(ii) of SC/ST Act and Section 67(A) of the Information Technology Act. The Court below has failed to consider that as per Section 18A of the SC/ST (PoA) Act, no preliminary enquiry is required for registration of FIR against any person. However, the police concerned has not registered FIR. The main contention of the learned counsel for the appellant is that the Court below without issuing summons to the respondents and conducting the trial, had dismissed the private complaint by relying only on the report of the Investigating Officer stating that the appellant did not establish that the respondents were involved in the offences alleged against them.



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3. Learned counsel for the first respondent has filed his counter-affidavit and submitted that the allegations levelled against him by the appellant are false and he did not provide any sufficient documents before the Investigating Officer to substantiate his allegations.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. A perusal of the impugned order reveals that the learned Judge came to the conclusion that the respondents have not committed offences particularly the offences under the provisions of SC/ST Act and under Sections 307, 506(ii) of IPC, whereas, the arguments advanced before this Court by both the learned counsel for the parties are pertaining to the private dispute and hence, without going into the merits of the matter, the matter is remitted back to the Court below to pass orders afresh, without being influenced by any of the observations contained herein, on merits and in accordance with law after considering the objections raised by the petitioner as well as the respondents before this Court. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.



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6. With the above direction, this appeal stands disposed of.

14.03.2024

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

PKN

Note:

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
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VIVEK KUMAR SINGH, J.

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