



WEB COPY



Crl.A.No.117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.A.No.117 of 2025

1. Sathishkumar
2. Sivakumar

... Appellants

..VS..

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Villupuram Range,
Villupuram District.

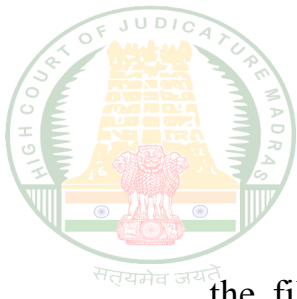
2. State Rep.by
The Inspector of Police,
Villupuram West Police Station,
Villupuram District,
Crime No.446 of 2024.

3. Mahalakshmi

... Respondents

Criminal Appeal filed under Sections 14(A) (2) of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order dated 03.01.2025 made in Crl.M.P.No.2638 of 2024 on

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the file of the Sessions Judge, Special Court for trial of Cases under SC/ST (PoA) Act, Villupuram and to enlarge the appellants on bail in Crime No.446 of 2024.

For Appellants : Mr.A.Anandharaj

For Respondents : Mr.G.V.Kasthuri
Additional Public Prosecutor
for R1 and R2

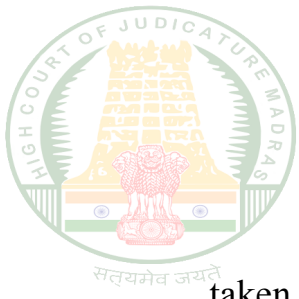
No appearance for R3

J U D G M E N T

This Criminal Appeal is filed to set aside the order dated 03.01.2025 made in Crl.M.P.No.2638 of 2024 on the file of the Sessions Judge, Special Court for trial of Cases under SC/ST (PoA) Act, Villupuram and to enlarge the appellants on bail in Crime No.446 of 2024.

2. On an earlier occasion i.e., on 28.01.2025, this Court ordered notice to third respondent/*de-facto* complainant through Court and privately. However, it is seen from the records, the petitioner has not

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taken any steps to serve notice privately to the *de-facto* complainant/victim and no proof of service has been filed.

3. Section 15A under Chapter IV-A was introduced by Act 1 of 2016 w.e.f. 26.01.2016, as per the said Section, notice has to be sent to the victim, in respect of any proceedings and without giving notice, no proceedings shall be proceeded further. When there is specific bar under the Special Act, this Court cannot ignore the intention of the Legislators and the purpose of enactment of the Special Act. If the appeal filed by the appellants are allowed without giving notice to the victim, the purpose of Section 15A(3)(5) of SC/ST Act would be defeated and the same would curtail the statutory right of the victim.

4. In view of the above, this Criminal Appeal is dismissed.

03.02.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ms

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To

- 1.The Sessions Judge,
Special Court for trial of Cases under SC/ST (PoA) Act,
Villupuram.
- 2.The Officer in-charge,
District Prison, Villupuram.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Villupuram Range,
Villupuram District.
4. The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
- 5.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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