



Crl.M.P.No.11901 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.M.P.No.11901 of 2025
in
Crl.O.P.No.10446 of 2025

1. K.R.Chokkalingam

2. C.Nithya

... Petitioners

Vs.

1. The State represented by,
The Deputy Superintendent of Police,
Edapaddy Sub Division,
Salem District.

2. The Inspector of Police,
Konganapuram Police Station,
Salem District.

3. C.Periyasamy

... Respondents

PRAYER:

Criminal Miscellaneous Petition filed under Section 528 of BNSS 2023, seeking extension of time granted by this Court on 08.04.2025 made in Crl.O.P.No.10446 of 2025.



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For Petitioners : Mr.B.Mohan

For R1 & R2 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking extension of time to execute the order dated 08.04.2025 of this Court passed in Crl.O.P.No.10446 of 2025.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. The petitioner had already filed Crl.O.P.No.10446 of 2025, seeking direction to direct the learned Sessions Judge, Special Court for Exclusive trial of cases registered under SC/ST(PoA) Act Cases, Salem District to consider the petitioners' bail applications on the same day in the event of their surrender in Crime No.118 of 2025 pending on the file of the second respondent-Police.



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4. This Court while disposing the said criminal original petition, vide order dated 08.04.2025, directed the petitioners to surrender before the concerned jurisdictional Court within a period of fifteen days from the date of a receipt of a copy of the order. Now the petitioners have filed this criminal miscellaneous petition seeking extension of time to execute the said order of this Court.

5. It is to be noted that as per Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”), there is a bar to file a petition under Section 438 Cr.P.C./483 of B.N.S.S. Further Section 15A under Chapter IV-A was introduced by Act 1 of 2016 w.e.f. 26.01.2016, as per which, notice has to be sent to the victim, in respect of any proceedings and without giving notice/without hearing the victim, no proceedings shall be proceeded further. Hence, this Court is not inclined to extend time to the petitioners to execute the order of this Court dated 08.04.2025 passed in Crl.O.P.No.10446 of 2025.



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6. In view of the same, this Criminal Miscellaneous Petition is dismissed. However, the petitioners are at liberty to workout their remedy before the trial court.

01.07.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Deputy Superintendent of Police,
Edapaddy Sub Division,
Salem District.
2. The Inspector of Police,
Konganapuram Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

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