



Crl.O.P.(MD)No.828 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.828 of 2025

Ajithkumar

... Petitioner

Vs.

1.State of Tamil nadu,
rep., by the Deputy Superintendent of Police,
Iluppur Division, Pudukkottai District.

2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
Crime No.126 of 2022

3.Chellakannu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for the Exclusive trial of SC/ST (POA) Act Cases, Pudukkottai to expedite the trial in Spl.S.C.No.55 of 2022 by splitting the trial in respect of the accused No.3/petitioner and available accused, within a time frame fixed by this Court.

For Petitioner
For R1 & R2

: Mr.E.Balasubramanian
: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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The third respondent/defacto complainant on whose complaint case in Crime No.126 of 2022 registered and thereafter, on completion of investigation, charge sheet filed against 12 persons for the offence under Sections 147, 427, 294(b), 324, 326, 506(2) and 148 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. The contention of the petitioner/A3 is that the occurrence had taken place in the year 2022, investigation completed and charge sheet filed on the same year and the same was taken on file as Spl.S.C.No.55 of 2022 listing 19 witnesses. Thereafter, the case was kept pending, since the service could not be completed. The case has been periodically adjourned. Further submitted that in this case initially case was adjourned, since A12 was found absconding and now, A12 had recalled warrant. In the meanwhile A2 had gone abroad and hence, NBW against him is yet to be executed. The learned counsel for the petitioner submitted that Section 14(3) of Scheduled Caste and Scheduled Tribes (POA) Act mandates that trial to be held on day-to-day basis and



preferably within two months from the date of filing of charge sheet, the trial be completed. He further relied upon the order of this Court in the case of ***P.K.Ramkumar and The State***, which reads as follows:

“.....3. He would further submit that the Act provides for speedy trial and thereby would pray that specific direction may be issued to the learned trial Judge to complete the trial within the time limit stipulated by this Court.

4. The learned Government Advocate appearing for the respondent police would submit that the Accused Nos.19 & 20 were released on bail and A-21 is still absconding and the respondent police is taking steps to arrest A-21. She would further submit that there are totally 57 witnesses in this case and the respondent police is ready to get along with the trial on day-to-day basis, if the case is split up against the remaining accused.

5. Taking into consideration, the apprehension of the petitioner that there is possibility of the witnesses being threatened in the event of there being delay, direction is issued to the learned II Additional Sessions Judge, The Special Court for SC/ST (Prevention of Atrocities Act), Tirunelveli to split up the case against the available accused and proceed with the trial on day-to-day basis and complete the trial, within a period of Three Months, from the date of examination of the first witness.

6. With the above directions, the Criminal Original Petition is disposed of.”



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Hence, he seeks appropriate direction of this Court.

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3. The learned Additional Public Prosecutor submitted that on the side of the prosecution, on registration of FIR, investigation has been completed and charge sheet was filed listing 19 witnesses on the same year without any delay. Since one of the accused is absconding, namely, A12, case could not be proceeded. He further submitted that A2 went abroad. Look out circular would be issued, after getting appropriate order from the Court. Further, submitted that if the case may be split up with available accused, witnesses would be produced and trial would be proceeded without further delay.

4. Considering the submission and perusal of materials, it is seen that the accused in this case were charged under IPC and SC/ST(POA) Act. There is a mandate under Section 14(3) of SC/ST(POA) Act. There are totally 19 witnesses in this case. Hence, the learned Special Court for the Exclusive trial of SC/ST (POA) Act Cases, Pudukkottai, to split up the case in Spl.S.C.No.55 of 2022 against the available accused and proceed with the trial on day-to-day basis and complete the trial without further delay, not to give long adjournment. In the event of any accused are absconding themselves adopting any dilatory tactic, the trial Court



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shall take coercive action including detaining the concerned accused in prison and proceed with the trial.

5. With the above direction, this Criminal Original Petition is disposed of.

20.01.2025

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Deputy Superintendent of Police,
Iluppur Division, Pudukkottai District.
- 2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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