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Crl.O.P.(MD)No.673 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.673 of 2025

Arasakumar

... Petitioner

Vs.

The State of Tamil nadu
rep., by the Deputy Superintendent of Police,
Puliangudi Sub-Division,
Crime No.125 of 2024,
Puliangudi Police Station,
Tirunelveli District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the learned II Additional District and Sessions (PCR),
Tirunelveli District to complete the trial in S.C.No.68 of 2024 within the
time stipulated by this Court.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

ORDER

The petitioner /defacto complainant had filed this petition stating
that on his complaint, FIR in Crime No.125 of 2024 has been registered



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for the offence under Sections 341, 294(b) and 506(2) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 and thereafter, on completion of investigation, charge sheet has been filed in Spl.S.C.No.68 of 2024, which is pending trial before the learned II Additional District and Sessions (PCR), Tirunelveli District. The contention of the petitioner is that the accused in this case namely, Manikandan had committed offence and to his credit, he has got 17 previous cases. He has been detained under Goondas Act, but still he is emboldened and continuing to commit offence. The respondent police knowing very well about his whereabouts, taking time to serve summon. In this case, charge sheet filed on 30.04.2024 and the trial Court to take the case on file on 29.08.2024 and thereafter, for serving summon to the accused, the case was posted on 07.01.2025. It is for three months and on the next hearing date has been fixed on 04.02.2025 for serving of copies. This way of conducting trial under SC/ST (Prevention of Atrocities) Act is not proper. Hence, filed the above petition.

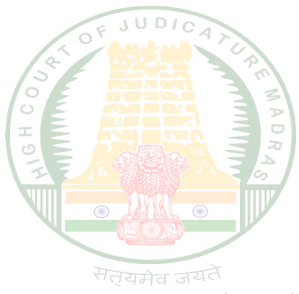
2. He further submitted that as per Schedule Caste and Scheduled Tribes(Prevention of Atrocities) Act and Rules, the trial to be completed within a period of two months from the date of filing of charge sheet and



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further, there is also time line given for completing investigation and file a final report under SC/ST Act, on the other hand, giving such long dates for conducting the case is not proper. It is also submitted that after appearance of accused on 07.01.2025, on the same day copies to be served or within one or two days, but again case has been adjourned for one month period i.e., on 04.02.2025.

3. The learned Government Advocate (crl.side) submitted that in this case, occurrence has been taken on 15.03.2024, charge sheet filed within one month on 30.04.2024 and thereafter, it is for the trial Court to take the case on file. The trial Court taken cognizance on 29.08.2024, but the Court had given summon and it served on 07.01.2025. Summon was served and now, the accused appeared. Thereafter, the case has been posted on 04.02.2025. It is the discretion of Court. Further submitted that in this case, there are 16 witnesses, of which, 4 witnesses are official and 12 witnesses are private witnesses. All the witnesses can be produced without delay and trial can be completed within stipulated period.



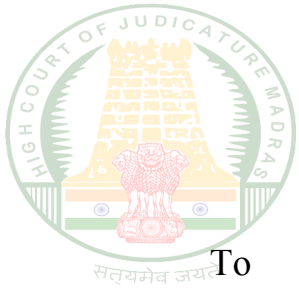
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4. Considering the submissions and perusal of materials, it is seen that the trial Court has not followed the SC/ST (Prevention of Atrocities) Act and Rules in proper. It is also seen that the trial Court has given long adjournment at each stage, is not proper, which is against mandates of SC/ST Act and Rules. In view of the same, the learned II Additional District and Sessions Judge (PCR), Tirunelveli, is directed henceforth not to give long adjournment and post the case preferably on day-to-day basis and complete the trial within a period of four months from the date of receipt of a copy of this order.

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

NCC : Yes / No
Index : Yes / No
Rmk

10.01.2025



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To

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- 1.The II Additional District and Sessions Judge(PCR),
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Puliangudi Sub-Division,
Puliangudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.673 of 2025

Dated: 10.01.2025