



Crl.O.P.(MD)No.990 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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Velankanni

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Puliangudi Sub Division,
Puliangudi Police Station,
Tirunelveli District.
Crime No. 37/2023.

... 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. 95 of 2023 within the time stipulated by this Court.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the learned II Additional District and Sessions Judge (PCR Court), Tirunelveli District to complete the trial in S.C.No.95 of 2023 within the time stipulated by this Court.

2.The contention of the petitioner is that based on the complaint given by the petitioner, a case in Cr.No. 37 of 2023 was registered for the offence punishable under Sections 294(b), 323, 355 and 506(i) IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 against the accused persons. On conclusion of investigation, final report was filed before the concerned Court and the same was taken on file as S.C.No.95 of 2023 against one Manikandan, who is residing at Tharugapuram, Sivagiri Taluk, Tenkasi District. However, he fails to appear before the trial Court from 17.08.2023. The trial Court simply recorded the absence of the accused and adjourned the case for issuance of summons to the accused, that too for one month / two months. Such long adjournment is against the mandate prescribed under 14(3) of SC/ST Act. Further, only for the purpose of serving copies to the accused persons, the case was adjourned for 7 hearings. Even today, though the case was listed



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for furnishing copies, due to the absence of the accused, the case was adjourned further. Neither the police nor the Court followed the mandates as per the SC/ST Act, wherein, it is prescribed that trial should be conducted in day-to-day basis and trial should be completed preferably within a period of 2 months. Hence, this petition has been filed for speedy disposal.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that though the respondent police filed copies before the concerned Court, it is for the trial Court to serve the copies to the accused person. The respondent police is ready to proceed with the case and produce the witnesses without delay.

4.In view of the above, the trial Court is directed to furnish copies to the accused without any further delay on the next hearing date and the respondent police is directed to ensure the presence of accused on the date fixed by the trial Court. The trial Court is further directed to conduct the case in S.C.No.95 of 2023 on day-to-day basis and complete the trial as per the said Act. The Presiding Officer and the respondent police shall take note of the fact that there is a provision in the Act to take



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appropriate action, in the event of not following the provision.

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5. With the above directions, the petition stands disposed of.

22.01.2025

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

To

1. The Deputy Superintendent of Police,
Puliangudi Sub Division,
Puliangudi Police Station,
Tirunelveli District.
Crime No. 37/2023.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

PNM

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