

Crl.A(MD)No.208 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED :12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD)No.208 of 2022

S.Murukesh

... Appellant

Vs

1.Jayakumar @ Nanjil B E Jayakumar

2.State of Tamil Nadu

Represented by the Inspector of Police,
District Crime Branch,
Nagercoil Through the Special Public Prosecutor,
Tirunelveli.

Crime No.1 of 2022

... Respondents

PRAYER: Appeal filed under Section 14-A(2) of SC/ST (POA) Act, 2018, as against the order passed by the learned II Additional Sessions Judge, Tirunelveli in Crl.MP No.57 of 2022, dated 09.02.2022.

For Appellant	: No appearance
For R1	: Mr.R.J.Karthick
For R2	: Mr.A.S.Abdul Kalam Azad Government Advocate



Crl.A(MD)No.208 of 2022

WEB COPY

J U D G M E N T

This appellant is a practising Advocate in Kanyakumari District. He lodged a complaint before the second respondent police as against the first respondent that he has cheated a sum of Rs.35 Lakhs. The second respondent police has registered a case in Crime No.1 of 2022, on 10.01.2022 for the offence punishable under Sections 420 IPC, 3(1)(p), 3(1)(q) of the SC/ST(POA) Amendment Act 2015. The first respondent was arrested by the second respondent Police on 31.01.2022. He moved an application for bail, before the II Additional District and Sessions Court, Tirunelveli in Cr.MP No.57 of 2022. The said application was taken on file on 02.02.2022 by the trial Court and notice was ordered to the defacto complainant/the appellant herein, on 04.02.2022. However, the second respondent police has failed to serve notice in a proper manner. They have communicated about this notice only through WhatsApp on 08.02.2022. Since the defacto complainant was not present on the date of hearing of bail application filed by the first respondent, the trial Court has granted bail to him, considering the



Crl.A(MD)No.208 of 2022

WEB COPY

materials placed before it, by its order dated 09.02.2022. Challenging the same, the appellant has filed this Criminal Appeal that the order has been passed by the trial Court, without issuing any notice as contemplated under Section 15A(3) and (5) of SC/ST(POA) Amendment Act, 2015.

2.When this Criminal appeal was taken up for hearing on 03.03.2025, there was no representation for the appellant. Therefore, this Court, by its order dated 03.03.2025, directed the respondent police to inform the complainant/appellant about the listing of this appeal for hearing before this Court.

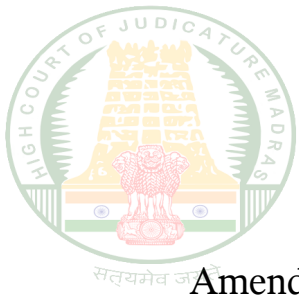
3.The officer, namely Mr.Sivaraj, who is present before this Court submits that he has informed the appellant about the listing of this appeal through his mobile number 9092794884 on 08.03.2025 at 7.53 a.m and 11.03.2025 at 9.34 p.m. Even then, there is no representation for the appellant.



Crl.A(MD)No.208 of 2022

WEB COPY

4.The case of the appellant is that he is a practising Advocate, belongs to Schedule caste community. The appellant and the first respondent are known to each other. For purchase of a house property from the first respondent, the appellant has given a sum of Rs.35 Lakhs to him on different occasions through NEFT. Later he came to know that the first respondent is not having any intention to sell the house property and he attempted to cheat him. Therefore, the appellant demanded to repay the amount, which was given by him to the first respondent, for which, the first respondent has issued cheques. When the same was presented for collection by the appellant, it was dishonoured stating "funds insufficient". Therefore, the appellant has lodged a criminal complainant before the second respondent police, based on which, a case in Crime No.1 of 2022 was registered. The first respondent was arrested by the respondent police and therefore, he has approached the II Additional District and Sessions Judge, Tirunelveli, seeking bail. The grievance of the appellant is that without issuing any notice as contemplated under Section 15A(3) and (5) of SC/ST(POA)



CrI.A(MD)No.208 of 2022

WEB COPY

Amendment Act, 2015 to him, bail was granted to the first respondent by the learned Judge. According to the appellant, since he was not issued with any notice by the respondent police, he could not be present before the trial Court, when the bail application was listed for hearing. The bail application was entertained by the trial Court on 04.02.2022 and notice was ordered. The respondent police claims that the notice was communicated to the appellant through whatsapp in the afternoon of 08.02.2022 and bail was granted to the first respondent on 09.02.2022.

5. Admittedly, the appellant is a practising advocate. However, he has failed to defend the application filed by the first respondent in Cr.MP.No.57 of 2022, even though he has received a notice on 08.02.2022. The trial Court has granted bail on 09.02.2022. It is also reported that the trial has commenced by examining PW 1 and the case is posted to 07.03.2025 for cross examination of PW 1.



Crl.A(MD)No.208 of 2022

WEB COPY

6.Since the appellant has not made out any case, this Court is not inclined to interfere with the order passed by the trial Court in Cr.MP.No.57 of 2022, dated 09.02.2022. Accordingly this Criminal Appeal is dismissed.

12.03.2025

Index : Yes/No
Internet : Yes/No
vrn

To

The Inspector of Police,
District Crime Branch,
Nagercoil Through the Special Public Prosecutor,
Tirunelveli.



WEB COPY



Crl.A(MD)No.208 of 2022

B.PUGALENDHI, J.,

vrn

Judgment made in
Crl.A(MD)No.208 of 2022

12.03.2025