

Crl. A.(MD)No.573 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 28.08.2025

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THE HONOURABLE Dr.JUSTICE R.N.MANJULA

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Thangam

... Appellant/Accused No.18

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi South,
Thoothukudi.

2.State Rep. by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Crime No.533 of 2019)

3.P.K.Ramkumar

... Respondents

Prayer : This Criminal Appeal is filed under Section 14A(1) of SC/ST (POA) Amendment Act, 2015 to call for the records in Crl.M.P.No.705 of 2024, dated 20.01.2025, on the file of the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi and set aside the same and enlarge the appellant on bail by allowing this appeal.

For Appellant	: Mr.S.Nedumaran
For R1 & R2	: Mr.K.Gnanasekaran Government Advocate (Criminal Side)
For R3	: Mrs.Seenisyed Amma for Mr.R.Amarnath



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JUDGEMENT

WEB COPY This Criminal Appeal is filed challenging the order passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi in Crl.M.P.No.705 of 2024, dated 20.01.2025.

2. Considering the extraneous nature of the circumstances involved in the cases involving the appellant and various other accused, this Court had thought it fit to call for a Report from the learned Sessions Judge as to the delay in proceeding the trial and had also given directions to convene a Pre-Trial Meeting by inviting the Public Prosecutor, the Officers of the Prosecuting Agency and the defence side Advocates. A direction has also been given to the District Administration to convene Peace Committee Meeting within the prison premises by inviting the defacto complainant, family members of the defacto complainant and the accused to give appropriate and professional counselling for the purpose of promoting peace of mind among the parties and to prevent the engagement of both sides and their persons in committing further criminal acts as retaliation which might lead to loss of several lives.

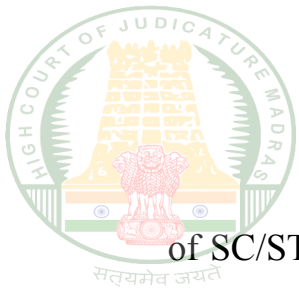


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3. From the Report submitted by the learned Sessions Judge, it is seen that he has expressed his difficulties in arriving at a plan for trial during the Pre-Trial Meeting. The objections made by the defence side counsel through a Memo is attached with the Report. It is seen that the defence side has objections with regard to the manner in which the copies of the charge sheet have been furnished to the accused. It is alleged that the copies of the charge sheet have been prepared by the prosecution and it is different from the original charge sheet filed before the Court. In some serious cases involving many accused, there is a practice that the prosecuting agency themselves would furnish the required number of copies of charge sheet to be furnished to the accused. That should not be mistaken by the learned counsel for the defence and even if there is any difference between the charge sheet furnished and the original charge sheet, that can very well be referred during the cross examination of the Investigation Officer. I do not think that can be the reason for not arriving at any consensus as to the framing of trial plan, with the active co-operation of the defence side.

4. If for any extraneous reasons, the defence side counsel finds it not possible to fix any trial plan and proceed with the trial, nothing would prevent the learned Sessions Judge from proceeding with the trial as per Section 14 (3)



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of SC/ST (POA) Act. Now, it is learnt that the copies have been furnished to all the accused in prison and charges will also be framed shortly and thereafter, the trial will be conducted.

5. In the Report submitted by the District Collector with regard to the other direction to give counselling to both the victims to become calm and not to cause any impediment to the peaceful progress of the trial and to avoid their involvement in any other retaliation and loss of life, it is submitted that appropriate counselling has been given to the accused and the defacto complainant. It appears that the accused had grievance that they are in prison without any progress in the trial and everyone is anxious to come on bail.

6. Unless there is any assurance for any speedy trial or co-operation for the trial, it may not be possible to grant bail to the accused. It is learnt from such Reports that not only the appellant, but all the other accused have got different and specific personal and family circumstances and they find it difficult to continue in prison for a long time. In the absence of any assurance for speedy trial, it may not be possible to release the accused on bail.



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7. On the other hand, the learned Sessions Judge can only be persuaded to conduct the trial and conclude it as expeditiously as possible. If the defence counsel continues to file petition after petition and make one allegation after allegation, then delay in concluding the trial will have its impact only on the accused. So, it is imperative to impress the learned defence counsel also to understand the plight of the accused and to extend their co-operation for the early conclusion of the trial. Their objection with regard to the allegation that there is some difference in the copies of the materials produced by the prosecution can be confronted to the relevant witnesses during the course of trial and in my opinion that cannot be the reason either to delay the trial or for not arriving at any consensus for a trial plan.

8. With all said and done, now it is clear that the learned Sessions Judge did not find it feasible to arrive at a trial plan by having a Pre-Trial Meeting with the respective parties and their counsels. So, the Sessions Judge shall take all endeavours to ensure a speedy trial in accordance with Section 14(3) of SC/ST (POA) Act and dispose the case as expeditiously as possible.

9. The appellant has stated that his studies is affected and he will not be in a position to complete his studies, if he is not enlarged on bail. Though



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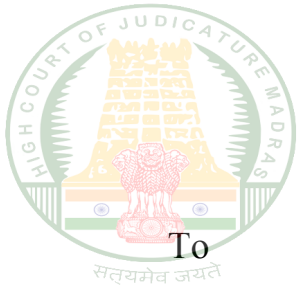
his anxiety is understandable, no special consideration can be shown to the appellant in the given situation. Other accused who have got their own special reasons are also languishing in prison. However, there is no assurance for co-operation for speedy trial also.

10. Whenever the appellant and other accused happen to meet their counsels in prison or produce before the Court, they can assure that they are interested in speedy trial and that they would extend their co-operation through their counsel and the counsels should also do the needful.

11. With the above observations, this Criminal Appeal is **disposed of.**

28.08.2025

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To

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1.The Sessions Judge,
Special Court for trial of cases under SC/ST (POA) Act,
Thoothukudi.

2.The Deputy Superintendent of Police,
Thoothukudi South,
Thoothukudi.

3.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.

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



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Dr.R.N.MANJULA, J.

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