



WEB COPY

CRL A(MD) NO. 64 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL A(MD) NO. 64 of 2025

Perumal

S/o.Neelakandan, Anna Nagar, Thenthirupperai, Thoothukudi
District.

Appellant(s)

Vs

1.The State of Tamil Nadu
Through The Deputy Superintendent of Police,
Srivaikuntam Police Station,
Thoothukudi District
[Crime No.47/2018]

2.Krishnan @ Kannan Pannaiyar

3.Vijayakumar

4.Ponraj

5.Mohan

Respondent(s)

Prayer: This Criminal Appeal is filed under Section 14 A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to call for the records pertaining to the order dated 11.07.2024 passed in CrI MP(MD) No.461 of 2021 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, 1989 Thoothukudi and set aside it as illegal.

For Appellant(s): M/s. Jeyasankar.P

For Respondent(s): Mr.P.Kottaichamy

Government Advocate (CrlSide)

for R1

Mr. R. Ilayaraja

for R2 to R5



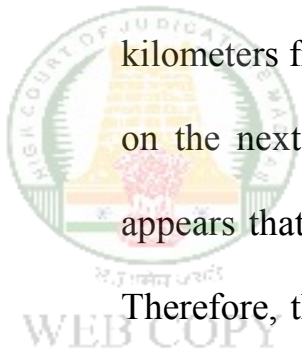
This appeal is filed by the defacto complainant in crime No. 47 of 2018 on the 1st respondent on the application rejected by the Special Court for trial of Cases under SC/ST (POA) Act in CrMPNo.461 of 2021, dated 11.07.2024.

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2.The appellant lodged a complaint as against the respondent Nos.2 to 5 that they assaulted the appellant on 12.03.2018 in front of the Sub Registrar office, Alwar Thirunagari around 2.45 PM. On the complaint of this appellant, a case was registered in Crime No.47 of 2018 under Sections 294(B), 341, 323 and 506(2) IPC and under Section 3(1)(r), 3(1)(s) and 3(1)(va) of SC/ST (POA) Act on the file of the Alwar Thirunagari Police Station. The 1st respondent conducted the investigation and filed a negative report. It was challenged before the Special Court by protest petition by the appellant. The Special Court entertained the same and issued notice to the de facto complainant / the appellant. After hearing the appellant the trial Court by its order dated 04.09.2021 dismissed the protest petition filed by this appellant.

3.Challenging the order dated 04.09.2021, the appellant filed a revision petition before this Court in CrIRC(MD)No.920 of 2021. This Court by its order dated 09.03.2022 set aside the order passed by the trial Court in CrMPNo.461 of 2021 dated 04.09.2021 and remanded the matter for fresh consideration and also permitted the appellant to adduce evidence.

4.Accordingly the appellant produced four witnesses before the trial Court. The trial Court found that the witnesses produced by the complainant have not supported his case and the Court considered the conduct of the appellant in not lodging the complaint immediate to the occurrence, though Police Station was very much available within 4



kilometers from the place of occurrence. It appears that the appellant lodged the on the next day only through a post. The appellant is also a real estate broker and it appears that there is some dispute with the respondents in the execution of a document. Therefore, this Court is not inclined to interfere with the orders of the trial Court. In the event if the appellant is having a case, it is always open to the appellant to file a private complaint and to prosecute this case.

5.In the result, this criminal appeal is dismissed.

14-02-2025

DSK

To

1.The Deputy Superintendent of Police,
Srivaikuntam Police Station,
Thoothukudi District.
Crime No.47/2018.

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

3.The Sessions Judge,
Special Court for Trial of Cases under
SC/ST (POA) Act,
Thoothukudi.



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