



Cr.L.A.(MD).Nos.118, 176 and 204 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated	:	25.02.2026
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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Cr.L.A(MD)Nos.118, 176 and 204 of 2026
and
C.M.P(MD) No.3039 of 2026

Cr.L.A(MD) No.118 of 2026

1. Rajarathinam

2. Muthuraj

3. Dinesh

4. Lakshumanaperumal

... Appellants/
Accused Nos.3, 5, 8 and 13

Vs.

1. The State of Tamil Nadu
Represented by
The Deputy Superintendent of Police,
Sipcot Police Station,
Thoothukudi and another
(Crime No.48 of 2023)

... 1st Respondent/
Complainant

2. P.Ramkumar

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Appeal has been filed under Section 14-(A)(1) of SC & ST Act, to call for the records pertaining to the order, dated 29.12.2025 passed by the learned Special Court for Trial of Cases under SC & ST (POA) Act,



Cr.L.A.(MD).Nos.118, 176 and 204 of 2026

Thoothukudi in Cr.L.M.P.No.278 of 2025 in S.C.No.25 of 2023 and set aside the same and discharge the appellants.

For Appellants : Mr.K.K.Samy
For R1 : Mr.S.Ravi
Additional Public Prosecutor
For R2 : Mr.A.Robinson

Cr.L.A(MD) No.176 of 2026

1.Elangeswaran

2. Velmurugan

3. Rajesh @ Rejeswaran

4. Peter

5. J.Ramesh

... Appellants/
Accused Nos.2, 4, 9, 10 and 11

Vs.

1. The State of Tamil Nadu
Represented by
The Deputy Superintendent of Police,
Sipcot Police Station,
(in Crime No.48 of 2023)

... 1st Respondent/
Complainant

2. P.Ramkumar

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Appeal has been filed under Section 14-(A)(II) of SC & ST Act, 1989, to call for the records pertaining to the order, dated 28.12.2025 in Cr.M.P.No.279 of 2025 in S.C.No.25 of 2023 passed by the learned Special Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Thoothukudi,



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set aside the said order and discharge the appellants from the said case.

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For Appellants : Mr.V.Balasundarakumar

For R1 : Mr.S.Ravi
Additional Public Prosecutor

For R2 : Mr.A.Robinson

Crl.A(MD) No.204 of 2026

1. J.Jeyaprakash

2. J.Murugesan

...Appellants/
Accused Nos.1 and 12

Vs.

1. The State
Represented by
The Deputy Superintendent of Police,
Thoothukudi Rural,
Sipcot Police Station,
Thoothukudi.
(Crime No.48 of 2023)

... 1st Respondent/
Complainant

2. P.Ramkumar

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Appeal has been filed under Section 14-(A)(2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the records and set aside the order passed by the Special Court for Trail of Cases under SC/ST (Prevention of Atrocities) Act, Thoothukudi in Crl.M.P.No.277 of 2025, dated 29.12.2025 and allow this appeal and discharge the appellants from the charges leveled against them.



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For Appellants : M/s.P.Yasmin Begum
For R1 : Mr.S.Ravi
Additional Public Prosecutor
For R2 : Mr.A.Robinson

COMMON JUDGMENT

Accused Nos.3, 5, 8 and 13 have filed the criminal appeal in Crl.A.(MD). No.118 of 2026 under section 14-A (1) of SC and ST (POA) Act, challenging the dismissal of discharge petition vide impugned order in Crl.M.P.No.278 of 2025 in S.C.No.25 of 2023 on the file of Special Court for Trial of Cases under SC/ST (Prevention of Atrocities) Act, Thoothukudi, dated 29.12.2025.

2. Similarly, Accused No.A2, A4, A9, A10 and A11 have filed the criminal appeal in Crl.A.(MD) No.176 of 2026 under section 14-A (1I) of SC and ST (POA) Act, challenging the dismissal of discharge petition vide impugned order in Crl.M.P.No.279 of 2025 in S.C.No.25 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (Prevention of Atrocities) Act, Thoothukudi dated 29.12.2025.



3. Accused No.A1 and A 12 have filed the criminal appeal in Crl.A.(MD) No.204 of 2026 under section 14-A (1) of SC and ST (POA) Act, challenging the dismissal of discharge petition vide impugned order in Crl.M.PNo.277 of 2025 in S.C.No.25 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (Prevention of Atrocities) Act, Thoothukudi dated 29.12.2025.

4. According to the prosecution, deceased P.K.Muthukumar, had two brothers namely, P.K.Ramkumar and P.K.Sivakumar. He was practising advocate in Thoothukudi Bar Association. Earlier, on 21.08.2019, his brother was murdered by a mob in front of the court campus in the presence of the deceased P.K.Muthkumar and defacto complainant. Hence, complaint was made and on receipt of the complaint, Thoothukudi South Police officials registered the case in Crime No.533 of 2019 under Sections 147, 148, 341, 294(b), 302, 506(2), 120 – B, 34, 109 of IPC r/w. Section 3(2) (v) of SC/ST (POA) Act. Thereafter final report was filed. In the said case deceased P.K.Muthukumar and another brother namely, the second respondent Ramkumar were persistently taking steps to intervene in the bail application filed by the all the accused. The same infuriated and provoked the appellants herein to eliminate the deceased said Muthukumar as he was hurdle to them for getting bail. Therefore, appellants and other accused in the earlier case conspired to commit murder of said Muthukumar and



infurtherence of the conspiracy on 22.02.2023 at 2.15 p.m. Accused No.1 in the case wearing helmet along with identifiable four persons wielding aruval, lathi trespassed into the pawn shop situated at Bazar owned by the deceased Muthukumar and another identifiable accused came in a motor cycle and they fled away from the scene of the occurrence. Thereafter, FIR was registered by the SIPCOT Police Station in Crime No.48 of 2023 upon receipt of the complaint from the second respondent namely defacto complainant. They registered the case for the offence under Sections 147, 148, 449, 302, and 109 IPC r/w. Section 3(2) (v) of SC/ST (POA) Act. The investigating officer conducted investigation and filed the final report against the appellants and other accused on 24.05.2023. The appellants have filed the petitions to discharge them from the case on the ground that the final report has not been filed within a period of sixty days and the investigating officer has also not filed any written explanation and hence, there is a violation of Rule 7(2) and 7(2-A) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended in the year 2016 (herein after called as “Rules”). The learned trial Judge after considering the entire Rule position and the factual aspect dismissed their applications vide impugned orders. Challenging the same, the present Criminal Appeals have been filed before this Court by the appellants.



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5. In all cases, the learned counsel appearing for the appellants would submit that there has been violation of Rule 7(2) and 7(2-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended in the year 2016, as the Investigating Officer has filed the final report beyond the prescribed period of 60 days without written explanation. According to the learned counsel, once the final report is filed beyond the statutory period prescribed under the special enactment without written explanation, the Special Court has no jurisdiction to take cognizance of such a defective and belated final report. Therefore, the appellants/petitioners filed a discharge petition before the learned Special Judge, which came to be dismissed erroneously without properly considering the mandatory requirement under Rule 7(2) and 7(2-A) of the Rules. Hence, the appellants/petitioners seek interference of this Court, contending that the impugned order suffers from illegality and non-application of mind.



6. In support of their contentions of the learned counsel appearing for the appellants has relied upon the following judgments:

(i) AIR 1978 Supreme Court 47 reported in (Madhu Limaya Vs.State of Maharashtra.

(ii) In the judgment of High Court of Karnataka at Bengaluru in Criminal Revision Petition No.638 and 550 of 2016 (Premalatha Divakar Vs. the State of Karnataka and others and State of Karnataka Vs. Shreemad Jagadguru Shankaracharya)

(iii) AIR 2021 Supreme Court 2351 reported in Criminal Appeal No.472 of 2021 (Sanjay Kumar Rai V.State of Uttar Pradesh and another) and

(iv) (2020) 2 Supreme Court Cases 577 reported in State of Madhya Pradesh Vs.Babbu Rathore and another)

7. Per contra, the learned Additional Public Prosecutor submitted that the present case involves a grave offence of conspiracy and murder. During the course of investigation, the involvement of the accused persons came to light periodically, upon the arrest and interrogation of the co-accused. Therefore, the investigation was carried out in a systematic and meaningful manner by a competent officer, namely, the Deputy Superintendent of Police, in consonance with the object and spirit of the Act. It is further submitted that the delay in filing the final report was neither intentional nor deliberate, but it occasioned due to



the complexities involved in unearthing the conspiracy and collecting incriminating materials against the accused. The delay has also been duly explained in accordance with law. The learned Additional Public Prosecutor contended that mere delay in filing the final report cannot be a ground to discharge the accused, particularly in serious offences involving members of the Scheduled Castes and Scheduled Tribes. In support of his submission, he relied upon the following precedents of the Hon'ble Supreme Court:

(i) In the case of *Superintendent of Police, Karnataka Lokayukta Vs. B.Srinivas* reported in **2008 8 SCC 580**

(ii) In the case of *Narendra Kumar Amin Vs. Central Beureau of Investigation and others* reported in **2015 3 SCC 417**

8. The learned counsel for the *defacto* complainant reiterated the submission of the learned Additional Public Prosecutor and further submitted that even though this Court issued a direction on 11.10.2023 in Crl.A.(MD).No. 494 of 2023, to complete the trial in jail premises and complete the trial within a period of two months, which was confirmed by the Hon'ble Supreme Court in S.L.P.Crl.No.422 of 2024, the appellant without co-operating for the trial by participating in the trial process, along with other accused persons had filed



petition after petition and caused obstruction to trial. They not even allowed the learned judge to frame the charges and also intentionally refused to receive the copies under Section 207 Cr.P.C. One after another has filed the petition to discharge from the case. Therefore, the accused not only adopted dilatory tactics to prolong the trial and also demoralised the witnesses. This court called for the reports from the learned trial Judge, about the case of the trial in the bail application filed by the accused Suthersan in the second round in CrI.A. (MD).No.429 of 2025 and posted the case for further hearing. At this stage, the accused have filed these appeals and the Hon'ble Judge hearing the case directed all the above appeals to be placed before this Court on the ground that this Court already was seized of the matter. The learned counsel sought to dismiss the petition and allow to proceed with the trial with further necessary directions.

9. This Court has carefully considered the rival submissions made on either side and perused the materials available on record.

10.The primary question that arises for consideration in this revision is whether the final report, filed beyond the period of sixty days as contemplated under Rule 7(2), and that too without a written explanation by the Investigating Officer as required under Rule 7(2-A), vitiates and renders the cognizance taken



by the Special Court invalid, and consequently, whether the accused's plea for discharge is legally sustainable.

11. For better appreciation of the above question it is relevant to extract the above said Rule 7.

7.(1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government, Director-General of Police, Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.

(2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority and submit the report to the Superintendent of Police, who in turn will immediately forward the report to the Director-General of Police or Commissioner of Police of the State Government, and the officer-in-charge of the concerned police station shall file the charge-sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet.)



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(2A) The delay, if any, in investigation or filing of charge-sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.

(3) The Secretary, Home Department and the Secretary, Scheduled Castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) to the State Government or Union Territory Administration, Director of Prosecution, the officer-in-charge of Prosecution and the Director-General of Police or Commissioner of Police in-charge of the concerned State or Union Territory shall review by the end of every quarter the position of all investigations done by the investigating officer.

12. It is a well-settled principle of law that delay in filing the final report, by itself, is not a ground to quash the proceedings or discharge the accused. The time limit prescribed for completion of investigation primarily enables the accused to claim statutory bail, but it does not automatically render the investigation illegal or invalidate the final report filed thereafter.

13. It is also relevant to note that the present case involves grave and serious offences, including murder committed in a public place near the court premises, and further allegations of conspiracy involving multiple accused persons., as rightly submitted by the learned Additional Public Prosecutor, the

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investigation progressed in stages, with the arrest of the accused persons at different points of time. The Investigating Officer examined several witnesses and collected incriminating materials in a fair and proper manner. Therefore, gravity of the offence and the surrounding circumstances warrant fair investigation. The investigation in the murder case as a result of the long period of criminal conspiracy cannot be said to be a taken as one to be probed within a short span of time. In this aspect, Rule 7(2) and 7(2-A) of the SC/ST Rules must be interpreted in accordance with the object of the Act. The amendment to the Rule 7(2) of the Act was brought in the year 2016 with inclusion of Rule 7(2-A). Before amendment, there was no duty cast upon the Investigating Officer to explain the delay in writing. The Rule and the provisions in Section 4 and the various provisions of Cr.P.C., has to be harmoniously interpreted without making the object of the Act otiose. The amended provision of 2016 in both Section 4 and Rule 7(2), 7(2-A) is victim centric and they aimed to complete the investigation in order to safeguard the interest of the witnesses and to protect the witnesses from tampering and the possible erosion of evidence due to their vulnerability. Further, the Hon'ble three-Judge Bench of Supreme Court in ***Ramawatar v. State of M.P.*** Reported in ***(2022) 13 SCC 635***, has held that

“16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely



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circumspect in its approach. *The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The SC/ST Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the SC/ST Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.*

14. Before the Hon'ble Constitution Bench of Supreme Court in **(2017) 14 SCC 304**, there was a challenge of the investigation by the Sub-Inspector of Police as against the Rule and the Hon'ble Supreme Court has not accepted the said submission and held that there was no miscarriage of justice and failure of justice and serious prejudice caused as per Section 465 of Cr.P.C. Applying the said principle to this case mere non filing of final report within a period of sixty days along with written explanation is not a ground to discharge the accused. Further in this case, there was a planned gruesome murder of Scheduled Caste person who was prime witness in his brother's murder case in the Bazar through the well organised manner with involvement of hirekillers which necessitated



thorough investigation by arresting the number of accused from various places which legally consumed more than a period of sixty days as contemplated under Rule 7 (2) and 7(2-A) which in considered opinion of this Court, it is not mandatory and the word “shall” in the Rule casts a duty on the investigating officer to complete the investigation within a period of sixty days but it cannot be extended to quash the final report in so far as SC/ST offence. That is not the intention of the Act, and if the said interpretation is allowed, then 90% of the cases have to be stuck off from the record. Therefore, this Court relies the judgment of the Hon'ble Supreme Court in the case of **Narendra Kumar Amin Vs. Central Beureau of Investigation and others** reported in **(2015) 3 SCC 417** to treat the word “shall” as “may” to interpret the Rule 7(2)(A) and the relevant paragraph is as follows:

15.The observation made at para 76 of the Constitution Bench judgment of this Court in K. Veeraswami [K.Veeraswami v. Union of India, (1991) 3 SCC 655, para 76 : 1991 SCC (Cri) 734] that the report is complete if it is accompanied by all documents and statements of witnesses as required under Section 173(5) CrPC cannot be construed as the statement of law, since it was not made in the context of the police report under Section 2(r) read with Sections 173(2), (5) and (8) CrPC. On the contrary, the three-Judge Bench of this Court in the decision in CBI v. R.S. Pai [(2002) 5 SCC 82 : 2002 SCC (Cri) 950] case, after referring to the earlier



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judgment of the coordinate Bench in Narayan Rao case [Narayan Rao v. State of A.P., AIR 1957 SC 737 : 1957 Cri LJ 1320 : 1958 SCR 283] categorically held that the word “shall” used in sub-section (5) cannot be interpreted as mandatory, but directory. The said statement of law is made after considering the provisions of Section 2(r) read with Sections 173(5) and (8) CrPC. Therefore, filing of the police report containing the particulars as mentioned under Section 173(2) amounted to completion of filing of the report before the learned ACJM, cognizance is taken and registered the same. The contention of the appellant that the police report filed in this case is not as per the legal requirement under Sections 173(2) and (5) CrPC which entitled him for default bail, was rightly rejected by the High Court and does not call for any interference by this Court.

15.Further, looking from the other angle punishment for Section 3 (V) of the Act, is life imprisonment and punishment for the other major offence 302 IPC is life imprisonment or death and in the said circumstances, as per 173 Cr.P.C., and 167 Cr.P.C, limitation for filing the final report is 90 days. In default, the only benefit accrued to the accused is that benefit of statutory bail. Except that there is no question of entitlement of quashment of case or discharge and the same was laid down by the Hon'ble Supreme Court in various judgments on different angle including the case of ***Superintendent of Police, Karnataka Lokayukta Vs. B.Srinivas*** reported in ***2008 8 SCC 580*** and the Hon'ble Supreme



Court held that mere delay in conclusion of the investigation of the case is not a ground to quash the FIR and the relevant paragraphs are extracted as follows:-

10. There is no general and wide proposition of law formulated that whenever there is delay on the part of the investigating agency in completing the investigation, such a delay can be a ground for quashing the FIR. It would be difficult to formulate inflexible guidelines or rigid principles in determining as to whether the accused has been deprived of fair trial on account of delay or protracted investigation; it would depend on various factors including whether such a delay was reasonably long or caused deliberately or intentionally to hamper the defence of the accused or whether the delay was inevitable in the nature of things or whether it was due to dilatory tactics adopted by the accused. It would depend upon certain peculiar facts and circumstances of each case i.e. the volume of evidence collected by the investigating agency, the nature and gravity of the offence for which the accused has been charge-sheeted in a given case. The nexus between whole and some of the above factors is of considerable relevance. Therefore, whether the accused has been deprived of fair trial on account of protracted investigation has to come on facts. He has also to establish that he had no role in the delay. Every delay does not necessarily occur because of the accused.

16. In this case, occurrence took place on 22.02.2023 and final report filed on 26.05.2023. Totally 15 accused persons and one juvenile accused were



arrested and 91 witnesses have been examined by the investigating officer. 11 Expert witnesses were examined and 4 Eye witnesses were examined and various persons from the tele communication department and bank officials were examined and confession of many accused were recorded and incriminating materials were recovered at their disclosure on various dates. Further, the learned Additional Public Prosecutor has produced petition filed by the Investigating Officer in R.No.543 of 2023 dated 18.04.2023 to extend the period, which contained explanation. Therefore, this Court finds no intentional lapse on the part of the investigating officer causing prejudice to the accused. Hence, this Court holds that the prayer to discharge the accused on the ground that the investigating officer has filed final report beyond the period of sixty days as stated in the Rule 7(2) is misconceived one. The main SC/ST Act, did not prescribe any time limit to complete the investigation. The time limit cannot be predicted for completing the investigation. Therefore, the legislator in their wisdom did not fix the outer limit but imposed the statutory duty on the investigating officer in all fairness to complete the investigation within a period of sixty days and to impose a further duty to submit the written explanation for the delay of more than sixty days. This does not create any right on the accused to seek discharge.



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17.As per Cr.P.C., final report has been filed under Section 173 of Cr.P.C. and the offence punishable for more than a period of three years there is no question of application of Section 468 of Cr.P.C. On this reasoning also, this Court finds no merit in the contention of the learned counsel appearing for the appellant to discharge the accused on the ground that the investigating officer filed the final report beyond the period of sixty days without written explanation and the question of filing final report without written explanation is a fact that has to be decided at the time of the trial during the course of the examination of the investigating officer and it is open to the accused to raise before the trial Court and establish prejudice and failure of justice. Further, the Hon'ble Supreme Court as stated above clearly stated that the final report is not defective for non filing of some of the document. Looking from other angle, lapse on the part of the investigating officer whether intentional or unintentional is not a ground to discharge the accused. Therefore, filing of final report beyond sixty days in the specific case of murder out of the organised conspiracy cannot be faulted and hence, this Court is inclined to dismiss all the criminal appeals.



18. The judgments relied upon by the learned counsel for the petitioners are distinguishable on facts and are not applicable to the facts of the present case. The Course of the investigation depend upon the certain peculiar circumstances of the each case. The same also depend upon the gravity of the offence. More particularly, in the case of criminal conspiracy, time lapse between the arrest of the one accused and the other accused has to be considered. Therefore, in this case, as rightly pointed by the learned Additional Public Prosecutor more than 16 accused were arrested and the connecting materials were collected and therefore, time lapse to file the final report beyond 60 days cannot be put against the Investigating Officer and said delay is not a ground to discharge the accused from the grave charge of murder of the deceased belonging to the vulnerable Section of schedule caste, in the main Bazar ie., in the pawn shop owned by the deceased. Therefore, this Court finds no merit in the contention of the learned counsel appearing for the appellants and the appeals deserve to be dismissed.

19. This Court also perused the report submitted by the learned trial Judge and also considered the submission of the learned counsel appearing for the defacto complainant and the learned Additional Public Prosecutor about the conduct of majority of the accused to file the petition after petition exceeding

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150 in numbers to protract the trial without allowing the trial Court to move an inch of trial despite the direction issued by this Court in CrI.A.(MD).No.,494 of 2023 and the same was confirmed by the Hon'ble Supreme Court in S.L.P.No. 422 of 2024 and holds that the conduct of the accused in adopting dilatory tactics to protract the trial proceedings is not appreciable.

20. In view of the above facts and circumstances, this Court finds no merit in the present Criminal Appeals. The Criminal appeals are misconceived and devoid of merits and is liable to be dismissed.

21. Accordingly, this Criminal Appeals stand dismissed. However, considering the gravity of the offence and the prolonged delay in trial, this Court issues the following directions:

(i) The learned trial Judge is directed to proceed with the trial on a day-to-day basis and complete the trial within a period of two months from today without granting unnecessary adjournments.



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(ii) This Court hereby directs all the accused to extend their full cooperation for the expeditious completion of the trial.

(iii) The learned Principal District and Sessions Judge is directed not to assign any additional judicial work to the learned trial Judge concerned until the completion of trial in the present case, so as to enable the trial Judge to devote full time and full attention for expeditious disposal of the trial.

22. With the above observations and directions, this Criminal Appeals stands dismissed. Consequently, connected Miscellaneous Petition stands closed.

25.02.2026

NCC : Yes
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Note: Issue order copy on 25.05.2026



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To

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1. The Deputy Superintendent of Police,
Thoothukudi South Police Station,
Thoothukudi.
2. The Deputy Superintendent of Police,
Thoothukudi Rural,
Sipcot Police Station,
Thoothukudi.
3. The Special Judge,
Special Court for Trial of Cases under SC & ST (POA) Act,
Thoothukudi.
4. The Principal District Judge,
Thoothukudi.



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K.K.RAMAKRISHNAN, J.

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and
C.M.P(MD) No.3039 of 2026

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