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Crl.A.(MD).No.167 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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

Crl.A(MD)No.167 of 2026

Balasubramanian

...Appellant/
Accused No.10

Vs.

1. The State of Tamil Nadu
Represented by
The Deputy Superintendent of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Crime No.533 of 2019)

... 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 12.01.2026 passed by the learned Special Court for Trial of Cases under SC & ST (PoA) Act, Thoothukudi in Crl.M.P.No.294 of 2025 in S.C.No.62 of 2020 and set aside the same.

For appellant : Mr.K.K.Samy

For R1 : Mr.S.Ravi
Additional Public Prosecutor

For R2 : Mrs.Seeni Syed Amma for
M/s Roy and Roy associates



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JUDGMENT

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Accused No.10 has filed the criminal appeal in Crl.A.(MD) No.167 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.294 of 2025 in S.C.No. 62 of 2020 on the file of Special Court for Trial of Cases under SC/ST (Prevention of Atrocities) Act, Thoothukudi, dated 12.01.2026.

2. According to the prosecution, deceased P.K.Sivakumar was one of the brother of the defacto complainant and he had another brother namely, P.K.Muthukumar. Earlier, on 21.08.2019, his brother, namely, P.K.Sivakumar was murdered by a mob opposite to the District 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 against the petitioner and other 20 accused persons and the same was taken on file in S.C.No.62 of 2020.



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3. Pending the trial, 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 appellant herein to eliminate the deceased Muthukumar as he was hurdle to them for getting bail. Therefore, appellant 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 owned by the deceased Muthukumar and another identifiable person 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 appellant and other accused on 14.11.2019 totally 21 accused persons. The appellant and the other accused persons had filed discharge petition in Cr.M.P.No.293 of 2025 to discharge them in S.C.No.62 of 2020 on the ground that the final report was filed



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by the Deputy Superintendent of Police without jurisdiction and also beyond sixty days period mentioned in the 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 vide impugned order dated 12.01.2026 dismissed the same. Aggrieved over the same, the appellant has preferred the above Criminal Appeal before this court.

4. The learned counsel appearing for the appellant 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, 2016, as the Investigating Officer has filed the final report beyond the prescribed period of 60 days. According to the learned counsel, once the final report is filed beyond the statutory period prescribed under the special enactment, the Special Court has no jurisdiction to take cognizance of such a defective and belated final report. Therefore, the appellant/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 appellant/petitioners seek interference of this Court, contending that the impugned order suffers from illegality and non-application of mind.



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5. In support of his contentions the learned counsel appearing for the appellant 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)

6. 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.



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7. 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



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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 Sundersan in the second round in Crl.A. (MD).No.429 of 2025 and posted the case for further hearing. At this stage, the accused has filed this appeal 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



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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 Rule 7 hereunder:

Rule 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.)



(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. The above Rule directs the investigating officer to file the final report within a period of sixty days and in the event of failure, he must give written explanation. If case of failure of giving written explanation, the victim is entitled to initiate criminal proceedings under Section 4 of the Act against the investigating officer. Therefore, 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 Rules 7(2) and 7(2-A) of the Act was brought in the year 2016 with inclusion of Rule (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



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harmoniously interpreted without making the object of the Act otiose. The amended provision of 2016 in both Section 4 and Rule 7(2) and 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.

13. 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.

14. 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 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 warranted fair



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investigation. The investigation in a murder case involving criminal conspiracy by so many persons cannot be said be an easy affair to be probed within a short span of time.

15. Therefore, the Constitutional Bench of Supreme Court in **2017 14 SCC 304** in the case of the challenge of the investigation by the Sub-Inspector of Police as against the Rule has held that it cannot be accepted without proving miscarriage of justice and serious prejudice as per Section 465 of Cr.P.C. Here the question of non submission of written explanation for the delay has to be assessed at the time of the trial in consonance with the established procedure. 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 the benefit of statutory bail. Except that there is no question of entitlement of quashment or discharge from the case 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 21.08.2019 and final report was filed on 14.11.2019. Hence, the final report was filed with a delay of 26 days



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beyond the period fixed as per Rule 7(2-A). During investigation 21 accused were arrested and 56 witnesses have been examined. 9 Expert witnesses were examined and 21 Eye witnesses were examined and confessions of may accused were recorded and incriminating materials were recovered at their disclosure on various dates. 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-A) is misconceived one. The main SC/ST Act, did not prescribe any time limit to complete the investigation. The time limit not be predicted to complete the investigation. Therefore, the legislators 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 the further duty directed 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.

17.As per Cr.P.C., and the final report has been filed under Section 173 of Cr.P.C., 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



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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 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 within ninety days in the specific case of murder borne out of the organised conspiracy cannot be faulted and hence, this Court is inclined to dismiss the criminal appeal.

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



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Prosecutor, 21 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, opposite to the District Court premises. At this stage, it is relevant to note that circumspect approach has to be made in the case of the offence under the SC/ST Act, to protect the Vulnerable Section of the society in consonance with express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution and the relevant paragraph of the Hon'ble three-Judge Bench of Supreme Court in ***Ramawatar v. State of M.P.*** reported in **(2022) 13 SCC 635**, extracted hereunder:

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



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objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

Therefore, this Court finds no merit in the contention of the learned counsel appearing for the appellant and the appeal deserves 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 petition after petition exceeding 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 Crl.A.(MD).No.494 of 2023 which was confirmed by the Hon'ble Supreme Court in S.L.P.Crl.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 Appeal. The Criminal appeal is misconceived and devoid of merits and is liable to be dismissed.



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21. Accordingly, this Criminal Appeal stands 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.

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

(ii) 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.



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

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NCC : Yes
Index : Yes
Internet : Yes
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Note: Issue order copy on 25.02.2026

To

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.

ebsi/sbn

CrI.A(MD)No.167 of 2026
and
C.M.P(MD) No.3039 of 2026

25.02.2026