

(2010) 11 MAD CK 0160

In the Madras High Court

Case No : Criminal O.P. (MD) No. 13998 of 2010

Poomayil

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 355, 379, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 —
Rule 12(4), 7(1)

Citation : (2010) 11 MAD CK 0160

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : R. Alagumani, for the Appellant; R.M. Anbunithi, Government Advocate (Crl. Side), for the Respondent

Judgement

G. Rajasuria, J.—This petition has been filed to direct the second Respondent to withdraw the case from the seventh Respondent in Cr. No. 337 of 2010 on the file of the seventh Respondent and entrust the same to the fifth Respondent for investigation and to include Section 3(1)(xi) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, and file the charge sheet before the jurisdictional Magistrate within the time stipulated by this Court and further direct the third Respondent to pay relief amount to the Petitioner under Serial No. 11 in annexure I, Schedule under Rule 12(4) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995.

2. The epitome, and the long and short of the facts absolutely necessary and germane for the disposal of this petition would run thus:

The police registered a case in Cr. No. 337 of 2010 for the offences punishable under Sections 323, 355, 506(ii) and 379 I.P.C and Section 3(1)(x) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

3. The learned Counsel for the Petitioner while arguing the matter, would now restrict his prayer to the effect that this Court might direct the Deputy Superintendent of Police concerned who was appointed by the Superintendent of Police concerned to investigate into the matter under Rule 7(1) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995, to expedite the investigation within a period of one month as contemplated under the Rule itself. He would also implore and entreat that necessary penal provisions of Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, have not been invoked so to say, Section 3(1)(xi) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

4. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side) for the Respondents.

5. I would like to point out that this Court while exercising the power u/s 482 Code of Criminal Procedure, cannot mandate any of the Police Officers to add a particular penal provision of law and this Court could only sensitize the police to take into consideration the factual as well as legal position and invoke the appropriate penal provisions.

6. However, I could see considerable force in the submission of the learned Counsel for the Petitioner that the investigation should be completed within thirty days as contemplated under the law.

7. Accordingly, the Deputy Superintendent of Police concerned is directed to complete the investigation within thirty days as contemplated under the law.

8. Over and above that, as requested by the learned Counsel for the Petitioner, it is open for the Petitioner to appear before the Superintendent of Police concerned who appointed the Investigating Officer namely the Deputy Superintendent of Police concerned and air her grievance, whereupon, the Superintendent of Police shall issue appropriate directions also to the Deputy Superintendent of Police concerned.

9. The learned Counsel for the Petitioner would make an extempore submission that on 09.11.2010, an application was given to the District Collector concerned for getting necessary reliefs as contemplated under the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995.

10. Accordingly, I would like to direct the District Collector concerned to deal with the same as expeditiously as possible in accordance with law.

11. With the above directions, this petition is disposed of.