



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.2964 of 2015

WEB COPY

N.Karl Marx

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Lalgudi Range,
Tiruchirapalli District.

2.The Inspector of Police,
Lalgudi Police Station,
Tiruchirapalli District.

... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., directing to appoint Mr.G.J.Maduram as Special Public Prosecutor for conducting the case in Spl.S.C.No.29 of 2014 on the file of the I Additional District and Sessions Judge (PCR Court), Tiruchirapalli.

For Petitioner	: Mr.K.M.Karunakaran
For Respondents	: Mr.K.Anbarasan, G.A.(Crl.side)

O R D E R

This Criminal Original Petition has been filed to appoint G.J.Maduram as Special Public Prosecutor for conducting the case in Spl.S.C.No.29 of 2014 on the file of the I Additional District and Sessions Judge (PCR Court), Tiruchirapalli.

2.The petitioner is the de facto complainant in Crime No.315 of 2012 for the alleged offence under Sections 294(b), 341 and 506(i) IPC. The petitioner made a request to the respondents seeking for appointment of a counsel by name G.J.Maduram for contesting the case pending in Spl.S.C.No.29 of 2014 on the file of the I Additional District and Sessions Judge (PCR Court), Tiruchirapalli. As the said request was not considered, the present Criminal Original Petition has been filed.

3.When the matter is taken up for hearing, the learned Government Advocate (Crl.side) appearing for the respondents has submitted that he has not received any instructions from the respondents. Earlier on three occasions, the learned Government Advocate (Crl.side) was directed to get instruction in this



regard. Even today there is specific instructions received in this regard.

4.As rightly pointed out by the learned counsel appearing for the petitioner that under Rule 4(5) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, the District Magistrate or the State Divisional Magistrate may, if so desired by the victims of atrocity, engage an eminent Senior Advocate for conducting cases in the Special Courts on such payment of fee as he may consider appropriate.

5.The fact that the petitioner is the de facto complainant is not disputed. Considering the above said fact and applying the scope of Rule 4(5) of the said Rules, this Court is inclined to direct the respondents to appoint G.J.Maduram as Special Public Prosecutor to conduct the case in Spl.S.C.No.29 of 2014.

6.Though the District Magistrate or Sub Collector are not added as party in this case, considering the facts and circumstances of the case, a direction is issued to the said authorities to pass appropriate orders for appointment G.J.Maduram as Special Public Prosecutor to conduct Spl.S.C.No.29 of 2014 within a period of six weeks from the date of receipt of a copy of this order.

7.Registry is directed to communicate a copy of this order to the District Collector, Trichy.

8.The Criminal Original Petition is disposed of accordingly.

SD/-

Assistanat Registrar(RTI)

/True copy/

Sub Assistanat Registrar

nbj

To

1.The I Additional District and Sessions Judge (PCR Court),
Tiruchirapalli.

2.The District Collector, Trichy.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Lalgudi Range, Tiruchirapalli District.

4.The Inspector of Police,
Lalgudi Police Station,Tiruchirapalli District.

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

+1cc to MR.K.M.KARAUNAKARAN,ADVOCATE IN SR NO.26731

CrI.O.P(MD)No.2964 of 2015

01.06.2015