



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CONT.P.(MD) No.245 of 2016

in

Crl.O.P.(MD) No.21959 of 2015

S.Palanisamy

... Petitioner/Petitioner

vs.

Mr.K.S.Palanichamy,
The District Collector,
Trichy District,
Trichy.

... Contemnor/Respondent

Prayer: Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemnor/respondent for his willful disobedience of the order passed made in Crl.O.P.(MD) No.21959 of 2015 on the file of this Court dated 14.12.2015.

Prayer in CRL OP(MD). 21959/ 2015 :

Petition filed under Section 482 of code of Criminal Procedure, to direct the 1 st Respondent to appoint Mr. R. Subburaj, Advocate, having office at No.56 North veli street,Madurai-1 or in the alternative to appoint Mr. G.J. Maduram, Advocate, having office at No.3/F, E.V.R Road, Puthur, Trichy-17 as Special Public Prosecutor to conduct trial in Special S.C. No.11/2015 pending on the file of PCR Court, Trichy and to conduct trial in J.C. No.37/2015 on the file of Juvenile justice Board, Trichirappalli .

For Petitioner : Mr.A.Rahul

For Respondent : Mrs.S.Prabha

Govt. Advocate (Crl.Side)

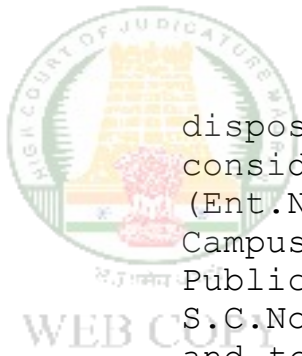
O R D E R

Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

2. In Crl.O.P.(MD)No.21959 of 2015, this Court passed the following order on 14.12.2015:

<https://hcservices.ecourts.gov.in/hcservices/>

"Accordingly, this Criminal Original Petition is



disposed of, with a direction to the first respondent to consider to appoint Mr.R.Subburaj, Advocate (Ent.No.157/1982), No.8, Law Chamber, District Court Campus, Madurai-20 (Mobile No.9842189955) as Special Public Prosecutor to conduct the trial in Special S.C.No.11/2015 pending on the file of PCR Court, Trichy and to conduct the trial in J.C.No.37/2015 on the file of the Juvenile Justice Board, Trichirappalli, if there are no legal impediments. The Special Public Prosecutor appointed now is entitled to fees, payable by the Government as per the rules. Consequently, connected miscellaneous petitions are closed."

3. Pursuant to the order passed by this Court, the District Collector, Trichirappalli has passed the order in G.O.(D)No.203, Home(Cts VIA) Department, dated 29.02.2016 appointing Mr.Subburaj as Special Public Prosecutor. Therefore, there is no merit in the contempt application.

4. The learned Counsel for the petitioner submitted that in G.O.(D)No.203, Home(Cts VIA) Department, dated 29.02.2016, the address of Subburaj has been given as 3/F, E.V.R.Road, Opp.Maruthi Hospital, Puthur, Tiruchirappalli-17, but whereas the address of Mr.Subburaj has been given as 56, Northveli street, Madurai in the petition in Crl.O.P.(MD)No.21959 of 2015.

5. In the considered opinion of this Court, for the alleged mistake in the order dated 29.02.2016, the Authorities cannot be hauled up for contempt. It is open to the petitioner to make a representation to the District Collector and after due enquiry, if it is found that the address of Mr.Subburaj is not in Trichy, but in Madurai, the District Collector may issue errata. It is made clear that any second contempt application contending that the District Collector has not issued errata is also not maintainable.

With the above observations, this Contempt Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

Mr.K.S.Palanichamy, The District Collector, Trichy District, Trichy.

Copy To: The Judge, Juvenile Justice Board, Trichirappalli.

Ssl

CSL/AAL-MPA/06.05.2016 : 2p/3c

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