

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.17215 of 2015
and
M.P.No.1 of 2015

Rajendiren

... Petitioner

Vs

1. The District Collector
Perambalur District,
Perambalur.
2. The Regional Deputy Director of Prosecution,
Tiruchirapalli Region,
Tiruchirapalli.
3. The Special Public Prosecutor,
(Appointed under Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities Act, 1989)
4. A.P.Samy
5. Ganapathy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to call for the records pertaining to passing of the impugned order dated 10.02.2015 having reference Rc.No.11660/2014/I6 on the file of the 1st respondent and quash the same.

For Petitioner

: Mr.E.P.Senniyangiri

For Respondents No.1-3

: Mr.K.Dhananjayam
Special Public Prosecutor

For Respondent Nos.4 & 5

: No appearance

O R D E R

The petitioner is aggrieved against the first respondent order appointing one Mr.A.P.Samy, Advocate, Perambalur, to conduct prosecution in the Special S.C.No.10/2013 before the Court of Special Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Principal Sessions Judge) Perambalur.

2. According to the learned counsel for the petitioner, the said person who is the fourth respondent herein is a brother of the defacto complainant's wife and also an influential person. He happens to be the former Panchayat President under the second accused.

3. The respondent herein had filed a counter affidavit and in paragraph No.10 of the counter affidavit, they have made same averments to the effect that if the petitioner is aggrieved against the appointment of Mr.A.P.Samy as Special Public Prosecutor, the appointment of the some other Public Prosecutor from Ariyalur or Tanjore District may be considered.

4. In view of there not being any serious objection from the respondents herein, I am of the view that the any other Special Public Prosecutor can be appointed in the place of Mr.A.P.Samy.

5. The impugned order dated 10.02.2015 in Rc.No.11660/2014/15 on the file of first respondent herein is quashed. Consequently, the first respondent is directed to appoint any other Special Public Prosecutor for Scheduled Castes and Schedules Tribes cases either from Ariyalur or from Tanjore District and such exercise shall be completed within a period of two weeks from the date of receipt of copy of this order.

In the result, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gv/rkp

To

1. The District Collector
Perambalur District,
Perambalur.
2. The Regional Deputy Director of Prosecution,
Tiruchirapalli Region,
Tiruchirapalli.
3. The Special Public Prosecutor,
(Appointed under Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities Act, 1989)
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.E.P.Senniyangiri, Advocate in sr.no.75769
+lcc to Government Pleader, in sr.no.76757

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and
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CS/03/11/17



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