

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

WP. No.15717 of 2018

and

WMP.No.18681 of 2018

K.R.Raja

..Petitioner

Vs

1.The State Represented through
The Home Secretary
Govt. of Tamil Nadu
Secretariat, St. George Town,
Chennai-600 009.

2.The District Collector
Collectorate
Tiruppur District.

3.The Superintendent of Police
Tiruppur District,
Tiruppur.

4.The Inspector of Police
District Crime Branch
Tiruppur District.

5. S.Bupathi

6. Manimegalai

7. Subramanian

..Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondent Nos. 1 and 2 to appoint preferably Mr.C.G.Prabhakaran, B.A., B.L., advocate, Karur as Special Public Prosecutor for conducting trial in C.C.No.246 of 2015 on the file of the learned Judicial Magistrate, Kangeyam, within a stipulated time.

For Petitioner : Mr.K.Thilageswaran
For Respondents: Mr.D.Raja
Additional Government Pleader
For R1 to R4

O R D E R

This writ petition has been filed seeking for a mandamus, directing the respondent Nos. 1 and 2 to appoint preferably Mr.C.G.Prabhakaran, B.A., B.L., advocate, Karur as Special Public Prosecutor for conducting trial in C.C.No.246 of 2015 on the file of the Judicial Magistrate, Kangeyam.

2. The petitioner is the de facto complainant in C.C.No.246 of 2015 before the Judicial Magistrate Court, Kangeyam, for the offences under Sections 120-B, 468, 471, 419, 466, 420, 472 of IPC. While so, the petitioner gave representations dated 21.03.2018 and 05.04.2018, to engage a Special Public Prosecutor for his case and thereafter, filed the present petition with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4.

4. At the outset, the petitioner cannot seek as a matter of right, for appointing a Special Public Prosecutor in the Magisterial trial case. It is always open to the petitioner to appoint an advocate to assist the Assistant Public Prosecutor in the trial Court. A criminal case before the Court of Magistrate has to be conducted by the Assistant Public Prosecutor appointed by the State and the de facto complainant can engage an advocate to assist him in terms of Section 301(2) Cr.P.C., Under such circumstances, this petition is dismissed, with liberty to the petitioner to approach the trial Court under Section 301(2) Cr.P.C. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Home Secretary
Govt. of Tamil Nadu
Secretariat, St. George Town,
Chennai-600 009.

2.The District Collector
Collectorate
Tiruppur District.

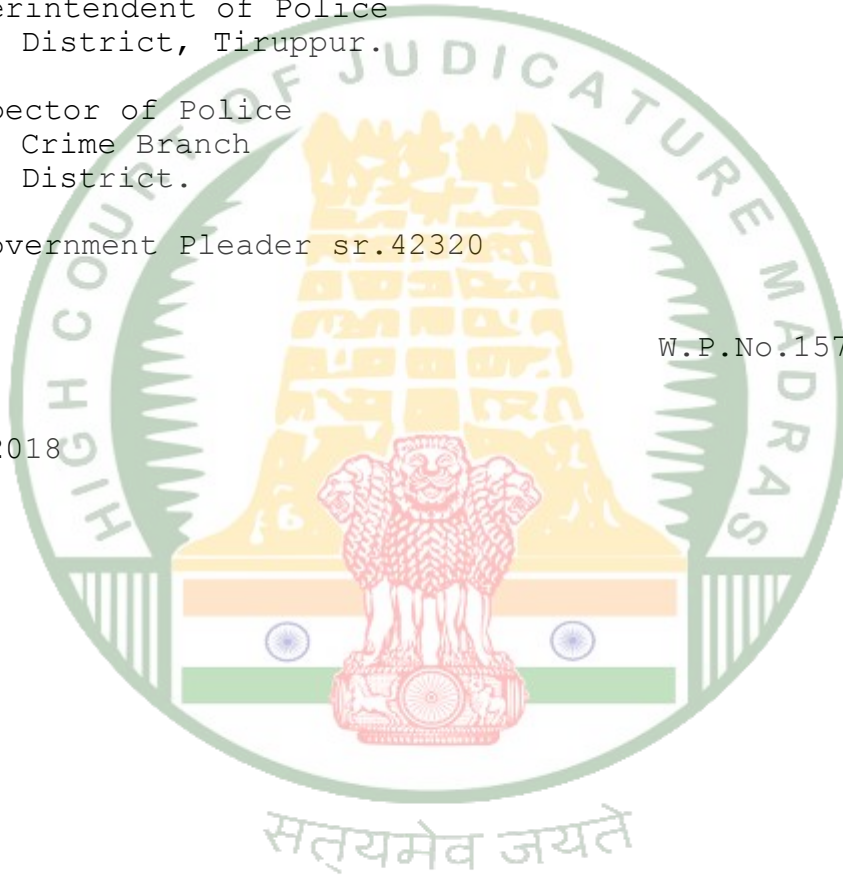
3.The Superintendent of Police
Tiruppur District, Tiruppur.

4.The Inspector of Police
District Crime Branch
Tiruppur District.

+1cc to Government Pleader sr.42320

W.P.No.15717 of 2018

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nr 09/07/2018



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