



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P.(MD)No.5891 of 2018
and W.M.P.(MD) No.5766 of 2018

P.Vijayabharathy ... Petitioner
Vs.

1.The District Collector cum District Magistrate,
Dindigul District, Dindigul - 624 001.

2.The Deputy Superintendent of Police,
D.S.P. Office, Palani Sub Division,
Dindigul District.

3.The Inspector of Police
Chathirapatty Police Station,
Dindigul District.
(Crime No.55 of 2014)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to appoint advocate Mr.G.Bhagavath Singh, as Special Public Prosecutor to conduct the trial in S.C.No.58 of 2018 on the file of the learned District Principal Sessions Court, Dindigul in accordance with the Rules 4(5)(6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.P.Kannidevan
Additional Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the first respondent to appoint advocate Mr.G.Bhagavath Singh, as Special Public Prosecutor to conduct the trial in S.C.No.58 of 2018 on the file of the learned District Principal Sessions Court, Dindigul in accordance with the Rules 4(5)(6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time that may be fixed by this Court.



3. According to the learned counsel appearing for the petitioner, on the basis of the petitioner's complaint, the second respondent has registered a case in Crime No.55 of 2014 dated 01.05.2014 and subsequent to that, the second respondent has completed investigation and filed a charge sheet on 26.06.2014 for the offenses under Sections 417, 376 IPC r/w 3(2)(v) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (Amendment Ordinance), 2014. The charge sheet was pending before the learned Judicial Magistrate, Ottanchathram and thereafter, it was numbered as P.R.C.No. 7 of 2014 and the case was committed to the Principal Sessions Court, Dindigul, in S.C.No.57 of 2018.

4. According to the petitioner, after having not satisfied with the performance of the present Public Prosecutor, the petitioner has sent a detailed representation to the first respondent on 13.12.2017 for the appointment of Mr.G.Bhagavath Singh as the Special Public Prosecutor to conduct the case in S.C.No.57 of 2018 as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 2016. Thereafter, the petitioner has given a fresh representation on 26.03.2018.

5. Though the petitioner has filed the present writ petition before this Court seeking a direction to the first respondent to appoint advocate Mr.G.Bhagavath Singh, as Special Public Prosecutor, during the course of argument, the learned counsel for the petitioner molded the prayer and he submitted that it would suffice a direction may be issued to consider the fresh representation of the petitioner dated 26.03.2018 by the first respondent within a stipulated time.

6. The learned Additional Government Pleader submitted that the said representation may be considered on merits and in accordance with law.

7. In the light of the above submissions made by both sides and upon perusing the materials available on records, this Court, without expressing any opinion on merits, directs the first respondent to consider the petitioner's fresh representation dated 26.03.2018 on merits and in accordance with law after providing opportunity to the parties as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose the representation dated 26.03.2018.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)



To,

1.The District Collector cum District Magistrate,
Dindigul District, Dindigul - 624 001.

2.The Deputy Superintendent of Police,
D.S.P. Office, Palani Sub Division,
Dindigul District.

3.The Inspector of Police
Chathirapatty Police Station,
Dindigul District.

+1cc to M/S.R.Karunanidhi, Advocate SR.No. 60865
+1cc to Special Government Pleader, SR.No. 61054

W.P. (MD) No.5891 of 2018
and W.M.P. (MD) No.5766 of 2018
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cm

JM/SV MMS/SAR 1/12.04.2018/3P/6C