

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9530 of 2019

D.Durairaj

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep by the Secretary,
Home (Judicial-6A) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Namakkal District,
Namakkal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 2nd respondent to appoint the Special Public Prosecutor in S.C.No.98 of 2016 by considering his representation dated 08.03.2019.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.M.Karthikeyan

Additional Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the 2nd respondent to appoint a Special Public Prosecutor to conduct the case on behalf of the prosecution in S.C.No.98 of 2016.

2. The petitioner is the defacto complainant and the grievance of the petitioner is that the accused persons are the father, who is a retired Judicial Officer and his son, who is a practising Advocate, and that no effective steps have been taken to proceeded further to conduct the case, which is pending from the year 2016 onwards.

3. The further grievance of the petitioner is that the Public Prosecutor, who is appearing before the Fast Track Mahila

Sessions Court, Namakkal is well known to the accused persons and therefore a fair trial cannot be conducted in this case. Therefore, a different prosecutor has to be appointed to conduct the case of the prosecution, in order to ensure fair trial.

4. Heard, the learned counsel for the petitioner and the learned Government Advocate, appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to allot any other Additional Public Prosecutor functioning at Namakkal to conduct the prosecution case in S.C.No.98 of 2016. This process shall be completed within a period of two weeks from the date of receipt of copy of this order. Immediately, after the Additional Public Prosecutor takes charge of the case, the Court below is directed to conduct the trial on day-to-day basis and complete the proceedings within a period of six months thereafter.

6. This Writ Petition is disposed of with the above directions. No cost.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Home (Judicial-6A) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Namakkal District,
Namakkal.

3. The Public Prosecutor,
High Court, Madras.
+1 CC to Mr.R.Jayaprakash, Advocate sr 71414.

W.P.No.9530 of 2019

RSK(CO)
SP(26/08/2019)