



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.12030 of 2018

WEB COPY

A.Nithiya Priscilla

: Petitioner

Versus

1.Secretary to Government,
Home Secretary Department,
State of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Director of Prosecution,
TNSCD Complex,
2nd Floor, No.5, Kamaraj Salai,
Chennai-600 005.

3.The District Collector,
Tiruchirappalli-620 001.

4.The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Tiruchirappalli-620 013.

5.M.A.B.M.Mohideen Kadhir Ali
[R-5 impleaded as per the order of this Court
dated 18.07.2019 in W.M.P.(MD)No.12701 of 2018] : Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to appoint the Special Public Prosecutor for conducting the case in C.C.No.121 of 2016 on the file of the Additional Mahila Court, Judicial Magistrate Level, Tiruchirappalli, at the cost of the petitioner and consequently, consider the representation dated 28.04.2018.

For Petitioner : Mr.G.Manikandan

For Respondents 1to4 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For Respondent No.5 : Mr.C.Dhanaseelan

**O R D E R**

This Writ Petition has been filed seeking a direction to the respondents to appoint the Special Public Prosecutor for conducting the case in C.C.No.121 of 2016 on the file of the Additional Mahila Court, Judicial Magistrate Level, Tiruchirappalli.

2. The petitioner is the *defacto* complainant in the above said case and based on the complaint given by her, a crime has been registered for the offences under Sections 498(A), 294(b), 406, 495 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. After investigation, a final report has been filed and the matter is taken cognizance in C.C.No.121 of 2016 on the file of the Additional Mahila Court, Judicial Magistrate Level, Tiruchirappalli. Even though the matter was taken cognizance in 2016, for want of Public Prosecutor, trial is not taken up. In the above circumstances, the present petition has been filed.

3. Today, when the Writ Petition came up for hearing, the learned counsel appearing for the fifth respondent submitted that already one Visalakshi, advocate, has been appointed as Assistant Public Prosecutor, by order dated 25.07.2018. Now, the trial has also commenced. That apart, based on the petition filed by the petitioner, seeking for speedy trial, this Court also directed the Trial Court to complete the trial, within a period of four months. Now, the time was also extended by one more month.

4. Considering the fact that already, a Assistant Public Prosecutor has been appointed, the prayer sought for by the petitioner has become infructuous and accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. Secretary to Government,
Home Secretary Department,
State of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2. The Director of Prosecution,
TNSCD Complex,
<https://hcservices.ecourts.gov.in/hcservices/>
2nd Floor, No.5, Kamaraj Salai,
Chennai-600 005.



3.The District Collector,
Tiruchirappalli-620 001.

4.The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Tiruchirappalli-620 013.

+1 CC to Mr.C.DHANASEELAN, Advocate (SR-76460[F] dated 19/07/2019)
+1 CC to Mr.G.MANIKANDAN, Advocate (SR-76756[F] dated 22/07/2019)

Order made in
W.P. (MD) No.12030 of 2018
Dated: 18.07.2019

sml

MK (05.08.2019) 3P 7C