

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Through Video Conferencing]

Dated : 18.12.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.18634 of 2020

Muthusamy, S/o.Alagappan ..Petitioner

Vs.

1. The Bar Council of Tamil Nadu and Puducherry,
Rep. by its Secretary,
High Court Campus,
Chennai - 600 104.

2. The District Collector,
Perambalur District,
Perambalur.

3. The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
(Crime No.243 of 2020)

4. Balamurugan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to take appropriate action against the fourth respondent, based on the complaint of the petitioner, dated 20.06.2020 in Complaint No.176 of 2020 and consequently, direct the second respondent to remove the fourth respondent from the post of Government Pleader.

For Petitioner : Ms.Divya
for Mr.S.Sasikumar

For R1 : Mr.C.K.Chandrasekar
Standing Counsel

For R2 and R3 : Mr.M.Elumalai
Additional Government Pleader

ORDER

(Order of the Court was made by N.KIRUBAKARAN, J.)

The petitioner has come before this Court seeking a direction to the first respondent to take appropriate action against the fourth respondent, for the alleged misconduct committed by him, based on the petitioner's complaint, dated 20.06.2020.

2.Heard Ms.Divya, learned counsel appearing for the petitioner; Mr.C.K.Chandrasekar, learned Standing Counsel appearing for the first respondent; and Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondents 2 and 3. Notice to the fourth respondent is dispensed with, as this Court only directs the first respondent to look into complaint of the petitioner, dated 20.06.2020.

3.The petitioner has given a complaint against the fourth respondent alleging that as a Public Prosecutor, he has misrepresented before the learned Principal District and Sessions Judge, Perambalur, in E.Bail Application No.67 of 2020, stating that the injured person was treated as Outpatient, however, the petitioner, being the injured person, was taking treatment as Inpatient along with others in the Government Hospital.

4.According to the petitioner, because of the above said misrepresentation, the accused got anticipatory bail on 19.05.2020 and the Court would not have given anticipatory bail to the accused with regard to the offences committed against the petitioner. Therefore, stating the above facts, the petitioner has given a complaint on 21.07.2020 and the same has been received as Complaint No.176 of 2020 by the first respondent.

5.Mr.C.K.Chandrasekar, learned Standing Counsel appearing for the first respondent would submit that the complaint would be placed in the next General Council Meeting of the Bar Council and thereafter, a decision would be taken to refer the complaint to the Disciplinary Committee and further, a decision will be taken either to take disciplinary action or to drop the proceedings.

6.Therefore, the first respondent is directed to place the complaint of the petitioner, dated 20.06.2020, in the next General Council Meeting to take a decision in the matter by the Disciplinary Committee.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(cs iii)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
High Court Campus,
Chennai - 600 104.

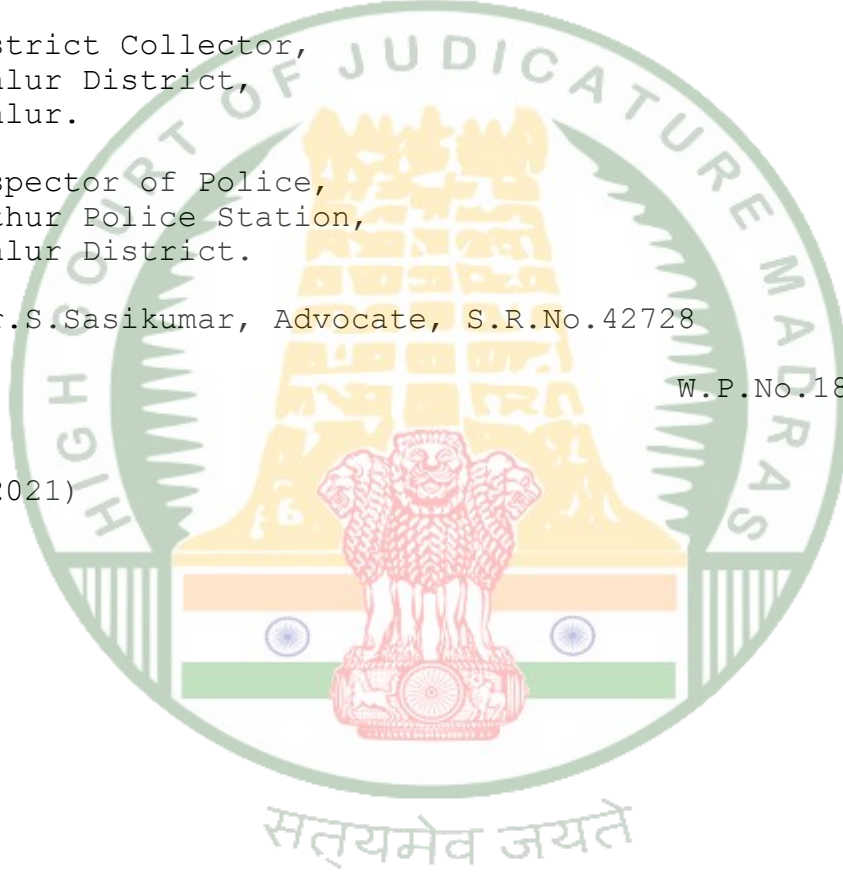
2. The District Collector,
Perambalur District,
Perambalur.

3. The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

+1cc to Mr.S.Sasikumar, Advocate, S.R.No.42728

W.P.No.18634 of 2020

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