



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl.O.P. (MD) No.1064 of 2020

V.Chitra

: Petitioner

Vs.

1.The Home Secretary,
St.George Flyover Bridge,
Secretariat,
Poonga Nagar,
Chennai-600003.

2.The Secretary,
Law Department,
Namakkal Kavingar Malligai,
St George Kottai,
Secretariat,
Chennai-600003.

3.The District Collector,
District Collectorate,
Gandhipuram,
Madurai.

4.The Deputy Superintendent of Police,
OCU, CBCID, Salem City,
Salem.

: Respondents

(R4 impleaded vide order dated 31.01.2020 made in Crl.M.P. (MD) No.701 of 2020 in Crl.O.P. (MD) No.1064 of 2020)

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to appoint Mr.A.Raja, MS.No.254/2004 and Mr.A.Murugan, MS.No.1780/2004 Advocates both from Madurai BAR Association for assisting the prosecution of the case in Spl.S.C.No.31 of 2019 pending on the file of the third Additional District and Sessions Judge (PCR), Madurai.

For Petitioner
For Respondents

: Mr.C.M.Arumugam
: Mr.S.Chandrasekar,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed to appoint Mr.A.Raja, MS.No.254/2004 and Mr.A.Murugan, MS.No.1780/2004 Advocates both from Madurai BAR Association for assisting the prosecution of the case in Spl.S.C.No.31 of 2019 pending on the file

of the third Additional District and Sessions Judge (PCR), Madurai.

2.The petitioner is the mother of the victim and L.W.1 in Spl.S.C.No.31 of 2019 pending trial on the file of the III Additional District and Sessions Judge (PCR), Madurai. The case was instituted by the Thiruchencode Town Police Station and by an order of the Director General of Police, Tamil Nadu, the case was transferred to CBCID. After completion of the investigation, final report was filed before the learned Principal District and Sessions Judge, Namakkal and was taken on file for trial in S.C.No.78 of 2016. Since the accused openly threatened the officers in the open Court, the petitioner had approached this Court by filing a petition in Crl.O.P.No.6030 of 2019 seeking for transferring the said case from Namakkal District to some other District and this Court after hearing the parties, allowed the petition and transferred the case to III Additional District and Sessions Judge (PCR), Madurai and the case was re-numbered as Spl.S.C.No.31 of 2019.

3.One Mr.B.Mohan, resident of Bhavani, an eminent lawyer, was appointed as Special Public Prosecutor. Due to heavy work burden, he couldn't attend each and every hearing and till date no remuneration has also been fixed for him. Further due to his work pressure he is unable to travel all the way from Bhavani to Madurai to attend all the hearings. In such circumstances, the said Special Public Prosecutor had sent a representation to the respondents herein for appointing two Advocates from Madurai Bar Association to assist him in the prosecution. Since no action has been taken, the petitioner has approached this Court by way of filing the present criminal original petition.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that he has no objections for appointment of two Advocates to assist the Special Public Prosecutor.

5.In view of the same, this criminal original petition is allowed, as prayed for. The District Collector, Madurai is directed to fix fee to the Advocates, who are appointed to assist the Special Public Prosecutor, in accordance with rules.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

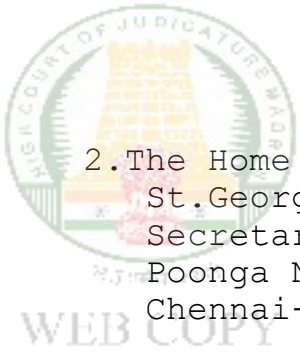
gns

To

1. III Additional District and Sessions Judge (PCR),

<https://hcservices.courts.gov.in/hcservices/>

Madurai.



- 2.The Home Secretary,
St.George Flyover Bridge,
Secretariat,
Poonga Nagar,
Chennai-600003.
- 3.The Secretary,
Law Department,
Namakkal Kavingar Malligai,
St George Kottai,
Secretariat,
Chennai-600003.
- 4.The District Collector,
District Collectorate,
Gandhipuram,
Madurai.
- 5.The Deputy Superintendent of Police,
OCU, CBCID, Salem City,
Salem.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 7.Mr.A.Raja, MS.No.254/2004
Madurai Bar Association, Madurai.
- 8.Mr.A.Murugan, MS.NO.1780/2004
Madurai Bar Association, Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-4505[F] dated 03/02/2020)

CrI.O.P. (MD)No.1064 of 2020
31.01.2020

sma/05/02/2020/ 3p/10c