



WEB COPY

Crl.O.P(MD)No.10013 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.10013 of 2021

in

Crl.M.P(MD)No.5113 of 2021

Velu

Vs.

... Petitioner

1. The State represented by
The District Collector,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.
3. Vasudevan
4. Rajaprabhu
5. Deepakkumar
6. Sathishkumar
7. Arunkumar
8. Ajithkumar
9. Malaiyarasan
10. Senthilkumar
11. Selvamurugan
12. Vinothkumar
13. Mayakannan
14. Vignesh
15. Munnamalai
16. Thangaraj
17. Karanam

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent herein to appoint Mr.P.Chinnaraja, (M.S.No.418/1980), Advocate as Special Public Prosecutor in Spl.S.C No.131 of 2018 on the file of the III Additional District Court (PCR), Madurai, to conduct the above mentioned case, within a stipulated time fixed by this Court on the basis of the petitioner's representation, dated 09.03.2021.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor (Criminal Side)
for R.1 & R.2



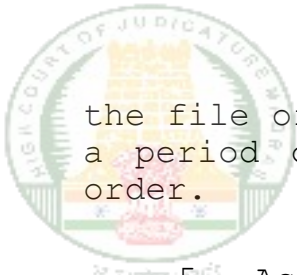
ORDER

This Criminal Original Petition has been filed to direct the first respondent herein to appoint Mr.P.Chinnaraja, (M.S.No.418/1980), Advocate as Special Public Prosecutor in Spl.S.C No.131 of 2018 on the file of the III Additional District Court (PCR), Madurai, on the basis of the petitioner's representation, dated 09.03.2021.

2. The case of the prosecution is that on 30.10.2016, the accused persons entered into petitioner's house with deadly weapons and attacked the petitioner's family members. They also damaged the petitioner's house. Due to which, his son severely injured on his head and admitted in the hospital. On the complaint lodged by the petitioner, the Inspector of Police, Alanganallur Police Station, Madurai, had registered a case in Crime No.468 of 2016, for the offences under Sections 147, 148, 294(b) and 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(2)(va) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. Thereafter, the second respondent completed the investigation and filed a final report, which has been taken cognizance in Spl.S.C.No.131 of 2018, on the file of the III Additional District Court (PCR), Madurai. The Government appointed Special Public Prosecutor for SC/CT on the file of the III Additional District (PCR) Court, Madurai. The petitioner is P.W.1. However, he is not willing to conduct the trial through Special Public Prosecutor, appointed by the first respondent. Therefore, he is willing to engage one more Mr.P.Chinnaraja, (M.S.No.418/1980), Advocate as Special Public Prosecutor and Mr.A.Murugan (M.S.No.1780/2004) Advocate to assist Mr.P.Chinnaraja, Advocate to conduct the trial. As per Section 4(5) Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, it empowers the victims to engage a Senior Counsel for conducting cases in Special Courts.

3. The petitioner made a representation the first respondent along with the concerned letter from the concerned Advocates to conduct the trial in Spl.S.C.No.131 of 2018, on the file of the III Additional District Court (PCR), Madurai. However, on the receipt of the same, the first respondent did not act on it and it is kept pending. The first respondent has to necessarily appoint the Advocates who had already given consent at the request of the petitioner, the Special Public Prosecutor to conduct the trial.

4. In view of the above, the first respondent is directed to appoint Mr.P.Chinnaraja, (M.S.No.418/1980), Advocate as Special Public Prosecutor and Mr.A.Murugan (M.S.No.1780/2004) Advocate to assist the Special Public Prosecutor in Spl.S.C.No.131 of 2018, on



the file of the III Additional District Court (PCR), Madurai, within a period of two weeks from the date of receipt of copy of this order.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judge, III Additional District Court (PCR),
Madurai.
2. The District Collector,
Madurai District,
Madurai.
3. The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-12071[F] dated 15/03/2022)

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in
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14.03.2022

RD(31.03.2022) 3P 6C