



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) No.18338 of 2021

S.Nagajothi

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai.
- 2.The Deputy Superintendant of Police,
Usilampatti Sub-division,
Madurai District.
- 3.The Inspector of Police,
Checkanurani Police Station,
Madurai District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to appoint Mr.P.Chinnaraja B.A.B.L as Special Public Prosecutor for conducting the case in SPL S.C.No.22 of 2021 pending on the file of the learned III Additional District Court (PCR), Madurai, under rule 4(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, within the time stipulated by this Court.

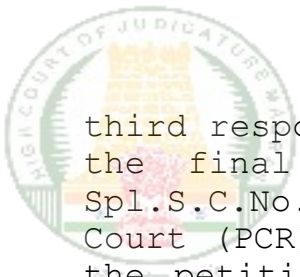
For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to direct the first respondent to appoint Mr.P.Chinnaraja B.A.B.L as Special Public Prosecutor for conducting the case in SPL S.C.No.22 of 2021 pending on the file of the learned III Additional District Court (PCR), Madurai, under rule 4(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, within the time stipulated by this Court.

2.The petitioner husband was murdered by the accused persons and the third respondent registered a case in Crime No.2058 of 2020 for the offence under Sections 147, 148, 149, 302 of IPC and Section 3(2)(V) of the SC/ST (Prevention of Atrocities) Act. However, the



third respondent without conducting full-fledged investigation filed the final report and the same has been taken cognizance in Spl.S.C.No. 22 of 2021 on the file of the III Additional District Court (PCR), Madurai and the same is pending for trial. However, the petitioner made a representation to reinvestigate the case in Crime No. 2058 of 2020 and his request is also pending. In the meanwhile, the petitioner submitted the representation before the first respondent to appoint Mr.P.Chinna Raja, Advocate as Special Public Prosecutor as contemplated under the Rule 4 (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, along with the consent letter from the said Advocate dated 18.09.2021. On receipt of the same, the first respondent vide its communication dated 08.12.2021 called for the report with regard to the said person for appointing him as a Special Public Prosecutor in Spl.S.C.No.22 of 2021.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that appropriate orders will be passed on the representation of the petitioner on merits.

4.Considering the above, the first respondent is directed to pass orders on the representation submitted by the petitioner dated 23.09.2021, after giving opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

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/ /2022

Sub Assistant Registrar(CS)

cp

To:

1.The III Additional District Judge, PCR, Madurai.
under rule 4(5) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Rules,

2.The District Collector,
Office of the District Collector,
Madurai.



3.The Deputy Superintendant of Police,
Usilampatti Sub-division,
Madurai District.

4.The Inspector of Police,
Checkanurani Police Station,
Madurai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TR(04.03.2022) 3P 6C