



WEB COPY



WP.No.31892 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 07.11.2023

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

WP.No.31892 of 2023  
and  
WMP.No.31476 of 2023

R.Vijay

... Petitioner

Vs.

1. State by  
Inspector of Police,  
Thalaivasal Police Station,  
Thalaivasal Taluk,  
Salem District.

2. The District Collector,  
Office of the Collectorate,  
Salem District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to appoint two separate Special Public Prosecutors to conduct the prosecution of cases in S.C.No.151 of 2019 and S.C.No.168 of 2019, pending trial on the file of the Hon'ble Sessions Judge, Mahila Court, Salem and pass any such orders or directions in the nature of writ or any other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.



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For Petitioner : Mr.S.Jeyakumar

For Respondents : Mr.S.Udaya Kumar,  
Government Advocate (Crl.Side)

### **ORDER**

The grievance of the petitioner herein is that SC.Nos.151 and 168 of 2019 respectively both on the file of the Mahila Court, Salem, arising out of incident occurred on 15.04.2017. Both the cases relate to the offence under Section 302 of IPC.

2. It is a case and case in counter.

3. The further grievance of the petitioner is that if the Special Public Prosecutor is allowed to conduct the trial on behalf of the State there will be a conflict of interest and miscarriage of justice and therefore seek appointment of two different Public Prosecutors to conduct the prosecution.

4. This Court finds force in the said requests, therefore the Directorate of Prosecution is directed to consider this fact and appoint



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two different Special public Prosecutors separately for each case so that there will not be any scope for conflict of interest. Therefore, the second respondent/District Collector shall in consultation with the Directorate of Public Prosecutor appoint two different Prosecutors for these two cases. The process of appointing Special Public Prosecutors shall be done within a period of 30 days from today.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Vv

**07.11.2023**

Note: Issue Order Copy on 08.11.2023

To

1. Inspector of Police,  
Thalaivasal Police Station,  
Thalaivasal Taluk,  
Salem District.
2. The District Collector,  
Office of the Collectorate,  
Salem District.



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**Dr.G.JAYACHANDRAN,J.**

Vv

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