



Crl.O.P.(MD)No.1242 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1242 of 2023

V.Ravi

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction, directing the some other Public Prosecutor in the Tirnelveli District other than Thiru.A.Kalimuthu, Public Prosecutor of the IV Additional District and Sessions Court, Tirunelveli to prosecute the case in S.C.No.181 of 2021 on the file of the learned IV Additional District and Sessions Judge, Tirunelveli in accordance with law, within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumani

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to issue a direction, directing the some other Public Prosecutor in the Tirnelveli District other than Thiru.A.Kalimuthu, Public Prosecutor of the IV Additional District and Sessions Court, Tirunelveli to prosecute the case in S.C.No.181 of 2021 on the file of the learned IV Additional District and Sessions Judge, Tirunelveli in accordance with law, within the time stipulated by this Court.

2. The main contention of the petitioner is that the said Public Prosecutor and the fifth accused have jointly canvassed for a candidate in the local body election, Ambasamudram and that the Public Prosecutor belongs to a particular political party.



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3. It is pertinent to note that the petitioner has earlier filed a petition in Crl.O.P(MD)No.17297 of 2022, seeking direction, directing the learned Principal District Judge, Tirunelveli to complete the trial within the time stipulated by this Court and this Court vide order, dated 07.11.2022, directed the trial Court to dispose the case within a period of one month and to report compliance.

4. The learned Additional Public Prosecutor appearing for the State would submit that in pursuance of the directions of this Court, after issuing the trial proceedings, summons were ordered to be served on the petitioner, but the petitioner has refused to receive the same. Hence, the same was pasted on the door of his house.

5. The main contention of the petitioner that the Public Prosecutor belongs to the particular political party and that the fifth accused also belongs to the same part, by no stretch of imagination, can be considered as a ground or reason for change the Public Prosecutor.



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6. Except the above, the petitioner has not canvassed any other reason or ground for change the Public Prosecutor. Hence, this Court decides that the Criminal Original Petition is devoid of merits and the same is liable to be dismissed.

7. In the result, the Criminal Original Petition is dismissed.

08.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.1242 of 2023

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