



W.P.(MD)No.20756 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:28.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20756 of 2023
and W.M.P(MD).No.17181 of 2023

Jeya

... Petitioner

Vs.

1.The District Collector cum District Magistrate,
District Collector Office,
Tenkasi District.

2.The Deputy Superintendent of Police,
Sub Division, Puliyangudi,
Tenkasi District.

3.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Crime No.27 of 2020.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to appoint advocate Mr.C.Suresh Kumar, as Special Public Prosecutor to conduct the trial in S.C.No.82 of 2020 on the file of the learned Additional District Court No.II, for PCR Act Cases, Tirunelveli, by considering the petitioner's representation dated 22.07.2023 in the light of the Rules 4(5)



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(6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

This Writ Petition is filed seeking for a Mandamus to the respondents Police to appoint one Mr.C.Suresh Kumar as the learned Special Public Prosecutor to conduct prosecution in S.C.No.82 of 2020, pending on the file of the Additional District Court No.II, for PCR Act Cases, Tirunelveli, for the offence under Sections 447, 427, 379(NH) and 506(i) IPC r/w Section 3(1)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, as per Rule 4(5)(6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.

2. It is submitted by the learned counsel appearing for the petitioner that on a complaint given by the petitioner, a case has been registered against the accused in Crime No.27 of 2020 for the offence



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punishable under Sections 447, 427, 379(NH) and 506(i) IPC r/w Section 3(1)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and after full-fledged investigation, the charge sheet is filed in S.C.No.82 of 2020 pending on the file of the Additional District Court No.II, for PCR Act Cases, Tirunelveli. It is submitted that the prosecutor in the said Court is a junior colleague of the accused and that so far, five witnesses were examined and they became hostile to the prosecution. The petitioner suspects that on account of prosecutor (i.e.,) junior colleague of the accused, the justice will not be done to him. Accordingly, the petitioner has given a representation before the first respondent seeking for permission to appoint one Mr.C.Suresh Kumar as the learned Special Public Prosecutor, but the application is still kept pending.

3. The learned Government Advocate (criminal side) appearing for the official respondents, on the other hand, submits that the prosecution does not have any information as to the stage of the application pending before the first respondent.



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4. In view of the submissions made by both sides, considering the fact that the trial is in progress and that five witnesses were also examined, the respondent No.1 is directed to disposal of the representation of the petitioner dated 22.07.2023 as quickly as possible not later than two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

28.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb



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To

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- 2.The Deputy Superintendent of Police,
Sub Division, Puliyangudi,
Tenkasi District.
- 3.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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