



W.P(MD)No.21159 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.21159 of 2023

and

W.M.P(MD)Nos.17554 to 17556 of 2023

Dhatshanamoorthy

... Petitioner

Vs.

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

2.The Commissioner of Police,
Trichirappalli City,
Trichy District.

3.The Assistant Commissioner of Police,
Trichirappalli City,
Trichy District.

4.The Inspector of Police,
Srirangam Police Station,
Trichy District.
(In Crime No.886 of 2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, or any other writ or order in the nature of writ directing the 1st Respondent to appoint



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advocate Mr.B.Mohan (Enrolement No.354/1979), as Special Public Prosecutor to conduct the trial in S.C. No.26 of 2021 on the file of Special Court for trial of SC/ST cases Tiruchirappalli (1st Additional District Judge PCR Court at Tiruchirappalli) by considering petitioners representation dated 16.08.2023 in the light of the Rules 4(5) (6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time.

For Petitioner : Mr.Henry Patrick Tiphange
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Writ Petition is filed to issue a Writ of Mandamus, directing the 1st Respondent to appoint advocate Mr.B.Mohan (Enrolement No. 354/1979), as Special Public Prosecutor to conduct the trial in S.C.No.26 of 2021 on the file of Special Court for trial of SC/ST cases Tiruchirappalli (1st Additional District Judge PCR Court at Tiruchirappalli) by considering petitioners representation dated 16.08.2023 in the light of the Rules 4(5) (6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time.



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2. The grievance of the petitioner is that a representation was made on 16.08.2023 to the competent authority / District Collector, to appoint some other officer as Special Public Prosecutor for conducting the trial process. Even after the representation, trial process has been conducted by the present Special Public Prosecutor against whom serious allegation has been made.

3. Heard both sides.

4. Since the first respondent is the competent authority to consider the representation which was sent on 16.08.2023, there shall be a direction to the first respondent to consider the representation and pass orders within a week on its own merits by summoning the petitioner ascertaining the situation.

5. Another grievance expressed by the petitioner is that by an order dated 29.08.2023, sufficient police protection was ordered to witnesses 1 to 4.

6. Learned Government Advocate (crl.side) submitted that the



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above said order will be complied by the second respondent herein.

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7. In view of the undertaking given by the Government Advocate (crl.side), this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The District Collector cum District Magistrate,
District Collector Office, Trichy District.
- 2.The Commissioner of Police, Trichirappalli City, Trichy District.
- 3.The Assistant Commissioner of Police, Trichirappalli City,
Trichy District.
- 4.The Inspector of Police, Srirangam Police Station, Trichy District.
(In Crime No.886 of 2020)
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J
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Order made in
W.P(MD)No.21159 of 2023

Dated 19.10.2023



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