



WEB COPY



W.P.No.19893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

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THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.19893 of 2024

K. Durga

.... Petitioner

Versus

1. The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai District - 606 604.

2. The Deputy Superintendent of Police,
Arani Sub-Division,
Arani, Tiruvannamalai District.

.... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to pass appropriate orders forthwith appointing Mr.C.Arun Kumar, Advocate, as Special Public Prosecutor, to conduct the case in Spl.S.C.No.52 of 2023, now pending for trial on the file of the Special Court, Tiruvannamalai constituted under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, on the basis of the petitioner's



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representation dated 27.01.2024 within a time that may be fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

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

ORDER

The petitioner herein has given a representation on 27.01.2024 seeking appointment of one C.Arun Kumar, Advocate, as Special Public Prosecutor, to conduct the case in Spl.S.C.No.52 of 2023 pending on the file of the Special Court, Tiruvannamalai.

2. The petitioner is a victim of offences punishable under Sections 417, 376(2)(n), 312, 506(ii) of I.P.C. and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act. The grievance of the petitioner is that the representation seeking appointment of Special Public Prosecutor of her choice not been considered by the District Collector and therefore, the petition seeking mandamus is filed.



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3. The learned Government Advocate (Crl.Side) submits that after the final report in Crime No.12 of 2023 taken on file and committed to the Special Court and numbered as Spl.C.C.No.52 of 2023, the petitioner herein filed Crl.O.P.No.8165 of 2024 seeking direction to the first respondent, Superintendent of Police, to nominate an Officer and not below the rank of Deputy Superintendent of Police, to conduct fresh investigation in this case and file a report. This petition was considered by this Court and direction been given to the first respondent to conduct the further investigation, if there is any need, and action to be taken by directing a different Investigating Officer, not below the rank of Deputy Superintendent of Police and shall file additional report within a period of two months, if any. This order was passed on 29.04.2024 and the Superintendent of Police has entrusted the investigation to a different Deputy Superintendent of Police and the additional report is likely to be filed shortly.



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4. Considering the said facts, this Court is of the view that the representation given by the petitioner herein on 27.01.2024 has become infructuous in view of the subsequent order passed by this Court on 29.04.2024 and further investigation in this case is taken up. If the petitioner wants to exercise her right of choosing Prosecutor of her choice, that right will fructify after filing of the further investigation report. The petitioner shall revive the representation thereafter, and if any representation is given, the District Collector, Tiruvannamalai District, shall take appropriate decision.

With the above directions, this Writ Petition is disposed of.
There shall be no order as to costs.

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To

1. The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai District - 606 604.
2. The Deputy Superintendent of Police,
Arani Sub-Division,
Arani, Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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DR.G. JAYACHANDRAN, J.

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