



W.P.(MD)No.16396 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.16396 of 2022

and

W.M.P.(MD)No.11845 of 2022

Raja

... Petitioner

Vs.

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

2.The Deputy Director of Prosecution,
Office of the Deputy Director of Prosecution,
21, Anaikatti Maidan,
Beema Nagar, Trichy-620 001.

3.The Inspector of Police,
Boiler Plant Police Station,
Trichy District.
Crime No.08 of 2018

4.The Home Secretary to Government,
State of Tamil Nadu, Secretariat,
Chennai.

5.The Director of Prosecution,
Tamil Nadu Urban Habitat Development Board,
Annex Building 1st Floor,
No.5, Kamarajar Salai,
Chennai-600 005.

... Respondents

[R4 and R5 are suo-motu impleaded vide order dated 17.08.2022]



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PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent to appoint Mr.B.Mohan, B.A., B.L., Enrollment No.Ms.No.354/1979 from Bhavani, Erode District as Special Public Prosecutor to conduct the case in S.C.No.284 of 2018 pending before the learned II Additional Subordinate Judge, Tiruchirapalli.

For Petitioner : Mr.S.Vanchinathan

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1 to R3

ORDER

The Writ Petition has been filed to direct the first respondent to appoint Mr.B.Mohan, B.A., B.L., Enrollment No.Ms.No.354/1979 from Bhavani, Erode District as Special Public Prosecutor to conduct the case in S.C.No.284 of 2018, which is pending before the learned II Additional Subordinate Judge, Tiruchirapalli.

2.The case of the petitioner is that the petitioner is married one Usha and on 07.03.2018 at about 06.45 p.m., he along with his wife Usha proceeded from Thanjavur to Trichy through two wheeler bearing Registration No.TN-45-



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BH-9320. While crossing Thuvakkudi Toll Plaza, the traffic police have stopped the petitioner's vehicle. Immediately he stopped his vehicle with few feet ahead from the traffic police. This was misunderstood by the traffic police and then, he wedged his shirt. Then, he shown the bike documents and opposed the manner in which, the traffic police had handled the bike riders. Thereafter, he moved forward with his wife, but the traffic police, Mr.Kamaraj has followed his bike and scolded by using filthy language. His wife was objected the said act of Mr.Kamaraj. However, without considering the same, suddenly, he kicked his wife and then, he lost his control and fell down on the road along with his wife Usha. Due to the sudden fall, his wife has sustained grievous injuries in all over her body and then she was taken to the Thuvakkudi Hospital, where, she was found dead. Thereafter, the respondent police registered a case in Crime No.8 of 2018 for the offences under Section 304(ii) and 336 of IPC and charge sheet also filed and the offence was altered into Sections 304(ii) and 341 of IPC and the same was taken on file and now, the case is pending before the learned II Additional Subordinate Judge, Tiruchirapalli in S.C.No.284 of 2018 and the case was posted for trial on 26.07.2022 for appearance of witnesses LW.1 to L.W.4. However, the petitioner is facing consequences from the present prosecutor's frequent meetings with the accused police officials. Hence, the



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petitioner made a representation to appoint of an Independent Public Prosecutor to the District Collector and the same was not considered. Hence, the petitioner has filed the present petition with the above said prayer.

3.The learned counsel for the petitioner would submit this Court may issue a direction to the first respondent to appoint a suitable lawyer to conduct the case in S.C.No.284 of 2018, based on the petitioner's representation, within a reasonable time as fixed by this Court.

4.The learned Additional Public Prosecutor would submit that the petitioner may send a copy of the representation along with this order copy to the District Collector and the District Collector will consider the same and pass appropriate orders.

5.In view of the above, the petitioner is directed to send a copy of the representation along with this order copy to the first respondent and on receipt of the same, the first respondent is directed to consider the petitioner's representation and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above directions, the Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes/No

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Internet : Yes/No

NCC : Yes/No

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To

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M.DHANDAPANI, J.

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6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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