



Crl.O.P.(MD)No.14692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14692 of 2024

A.Paulraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Puthanatham Police Station,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to appoint Mr.R.Gobinath, Advocate as desired by the petitioner for conducting the prosecution in Spl.S.C.No.5 of 2021 on the file of the 1st Additional District and Sessions Judge (PCR), Trichy as per Rule 4(4) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995.



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For Petitioner : Mr.T.Lenin Kumar
For R1 : Mr.M.Muthumanikkam
Government Advocate (Civil Side)
For R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the first respondent to appoint Mr.R.Gobinath, Advocate as desired by the petitioner for conducting the prosecution in Spl.S.C.No.5 of 2021 on the file of the 1st Additional District and Sessions Judge (PCR), Trichy as per Rule 4(4) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995.

2. It is evident from the records that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.33 of 2020 on the file of Puthanatham Police Station, Trichy District, for the alleged offences under Sections 147, 148, 341, 294(b), 323, 324 and 506(2) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST



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(Prevention of Atrocities) Act, 1989 and after completing the investigation, charge sheet came to be filed against 4 accused for the alleged offences under Sections 148, 307, 341, 294(b), 324 and 506(2) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and the case was taken on file in Spl.S.C.No.5 of 2021 and the same is pending on the file of the I Additional District and Sessions Court (PCR), Trichy.

3. The learned counsel appearing for the petitioner would submit that the petitioner has sent a representation dated 16.08.2024 to the first respondent to engage Mr.R.Gobinath, who had conducted large number of criminal cases including cases under SC/ST Act, to conduct the prosecution but he has not passed any order till now.

4. The learned counsel appearing for the petitioner would further submit that Section 21 of the SC/ST (Prevention of Atrocities) Act contemplates that the victim is entitled to select a lawyer of his choice and he suggested the name of Mr.R.Gobinath.



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5. Considering the above, the first respondent is directed to consider the petitioner's representation for appointment of Special Public Prosecutor and pass necessary orders within a period of ten days from the date of receipt of copy of this order.

6. With the above direction, the Criminal Original Petition stands disposed of.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The District Magistrate /
District Collector,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Puthanatham Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.14692 of 2024

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