



CrI.O.P.(MD)No.1151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1151 of 2023

Madasamy

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.

3.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to appoint Mr.G.Muthuraman, Practicing Advocate of District Court, Srivilliputhur as Special Public Prosecutor to conduct the trial in Spl.S.C.No.35 of 2022 pending before the Special Court for SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur, in accordance with Rule 4(5)(6) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Rules 2016.

For Petitioner

: Mr.C.Mayil Vahana Raendran



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For Respondents

: Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

ORDER

The petitioner has filed this petition seeking a direction to appoint a Senior Advocate as Special Public Prosecutor in Spl.S.C.No.35 of 2022 pending before the Special Court for SC/ST (POA) Act, Cases, Virudhunagar District at Srivilliputhur.

2.The petitioner has not made out any case that the Special Public Prosecutor of the Special Court is incompetent to be a Public Prosecutor. When the State is defending a case by appointing the Special Public Prosecutor, in the absence of any materials on the competency of the Special Public Prosecutor, who is functioning in the same Court, this Court is not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed. The petitioner can engage a learned counsel for assisting the Special Public Prosecutor, if he so advised.

20.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

<https://www.mhc.tn.gov.in/judis>



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To

- 1.The District Collector cum District Magistrate,
Virudhunagar District, Virudhunagar.
- 2.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
- 3.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.
- 4.The Special Court for SC/ST (POA) Act Cases,
Virudhunagar District at Srivilliputhur
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

gns

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