



W.P(MD)No.28471 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.28471 of 2022

and

W.M.P.(MD).No.22479 of 2022

Chinnakannu

... Petitioner

Vs.

1.The District Collector,
Collectorate, Tirunelveli.

2.State Rep. By
the Superintendent of Police,
Devarkulam Police Station,
Tirunelveli.

3.The Inspector of Police
Devarkulam Police Station,
Tirunelveli.
(Crime No.123 of 2016)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondent No.1 to appoint Mr.M.Arumugam, Advocate (Enrol.No.MS.1507 of 1997) in S.C.No.69 of 2017 pending before the learned II Additional District and Sessions Court (PCR) Tirunelveli as per rule 4(5) of the Scheduled Case and Scheduled Tribes (Prevention of Atrocities) Rules 1995.

For Petitioner : Ms.T.Seeni Syed Amma

For Respondents : Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus directing the first respondent to appoint Mr.M.Arumugam, learned Advocate (Enrol.No.MS.1507 of 1997) in S.C.No.69 of 2017 pending before the learned II Additional District and Sessions Court (PCR) Tiurnelveli as per rule 4(5) of the Scheduled Case and Scheduled Tribes (Prevention of Atrocities) Rules 1995.

2. The learned counsel appearing for the petitioner would submit that the petitioner's son was murdered by the accused persons, for which, an FIR came to be registered in Crime No.123 of 2016 and the respondent Police after completing the investigation, has filed a final report and the same was taken on file in S.C.No.69 of 2017 before the learned II Additional District and Sessions Court (PCR) Tirunelveli for the offence under Sections 302 IPC 3 (1) (r), 3 (1) (2), 3 (2) (va) r/w Sections 114 and 34 IPC. She would further submit that since the accused persons are politically and economically influential people, the petitioner seeks to engage Mr.M.Arumugam, learned Advocate, as a Special Public Prosecutor in S.C.No.69 of 2017 before the trial Court. Hence, the petitioner filed a representation before the first respondent on 09.12.2022. However, the same was not considered till date. She would further submit that the trial is conducted only by the regular Public Prosecutor till date.



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3. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the representation of the petitioner dated 09.12.2022 will be considered by the first respondent and appropriate orders will be passed within the stipulated period.

4. In view of the above, this Court directs the first respondent to consider the representation of the petitioner dated 09.12.2022 with regard to the appointment of Special Public Prosecutor in S.C.No.69 of 2017 before the trial Court and pass appropriate orders in terms of Rule 4(5) of the Scheduled Case and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, for effective participation in trial within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

Index :Yes/No
Internet :Yes/No
TSG



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To:.

- 1.The II Additional District and Sessions Court (PCR) Tirunelveli
as per rule 4(5) of Scheduled Case and Scheduled Tribes
(Prevention of Atrocities) Rules 1995.
- 2.The District Collector,
Collectorate, Tirunelveli.
- 3.The Superintendent of Police,
Devarkulam Police Station,
Tirunelveli.
- 4.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

TSG

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