



W.P.(MD)No.29811 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.29811 of 2024

Karthika

.. Petitioner

Vs.

- 1.The District Collector,  
Office of the District Collector,  
Theni District.
- 2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Theni District.
- 3.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Theni Sub Division,  
Theni District.
- 4.The Inspector of Police,  
All Women Police Station,  
Theni District.

.. Respondents

**PRAYER :** Petition filed under Article 226 of Constitution of India praying for issuance of writ of mandamus to direct the first respondent to appoint Mr.K.Bagavath Singh, Advocate, Madurai District as Special Public Prosecutor for conduct the case in Spl.S.C.No.58 of 2022 pending on the file of the Special Court for trial of Cases registered under SC/ST



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(POA) Act, Theni as per Rule 4(5) of SC/ST(POA) Rules 1995 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Ramesh Kumar  
For R1 : Mr.Muthumanickam  
Government Advocate (Crl.side)  
For R2 to R4 : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

The petitioner/victim on whose complaint case in Crime No.19 of 2022 assigned against one Ajaykumar and one Rani, on completion of investigation, charge sheet filed in Spl.S.C.No.58 of 2022 for the offence under Sections 294(b), 376, 420 and 506(i) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of SC/ST (POA) Act, which is pending trial before the Subordinate Court, Theni. The petitioner had sent a representation on 01.10.2024 stating that on behalf of the petitioner, one Mr.K.Bagavath Singh, Advocate, to be appointed as Special Public Prosecutor. The petitioner invoking Rule 4 Sub-clause 5 of SC/ST(POA) Act, had made such request to the District Collector, thereafter, no action has been taken. The petitioner had also sent a reminder. Hence, the above petition.



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2. The Inspector of Police, All Women Police Station, Andipatti, appeared and submitted that in this case, investigation was completed, charge sheet filed and now, the case is posted for trial on 09.01.2025 for examination of L.W.1 and L.W.2. Since the District Collector has to pass an appropriate order on the petitioner's request dated 01.10.2024, it has to be passed well before 09.01.2025, so that in the event of Special Public Prosecutor being appointed, he can get acquainted with the case and proceed without delay.

3. In view of the above, the District Collector, Theni, is directed to consider the petitioner's representation dated 01.10.2024 and pass orders on or before 02.01.2025.

4. With the above direction, this Writ Petition is disposed of. No costs.

**11.12.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
Rmk



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Theni District.
- 3.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Theni Sub Division,  
Theni District.
- 4.The Inspector of Police,  
All Women Police Station,  
Theni District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 6.The Government Advocate (crl.side)  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR,J.**

*Rmk*

**Crl.O.P.(MD)No.29811 of 2024**

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