



W.P.No.35067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.35067 of 2024

V.Rekha

... Petitioner

Vs.

The District Collector,
O/o.The District Collector, Chennai,
Chennai District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider and dispose of the petitioner's representation dated 09.08.2024 to appoint Mr.B.Mohan, Advocate as Special Public Prosecutor in Spl.S.C.No.60 of 2024 pending on the file of the learned Sessions Judge, Special Court for the Trial of Cases under SC/ST (PoA) Act, Chennai, in view of the mandate proviso to Rule 4(5) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995.

For Petitioner : Mr.S.Bharanidharan

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor



W.P.No.35067 of 2024

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ORDER

This petition has been filed seeking to appoint one Mr.B.Mohan, as Special Public Prosecutor in S.C.No.60 of 2024, pending on the file of the learned Sessions Judge, Special Court for the Trial of Cases under SC/ST Act, Chennai.

2 Learned counsel for the petitioner submitted that based on the complaint given by the petitioner, a case was registered in Cr.No.15 of 2024 for the offences punishable under Sections 294(b), 324, 325 and 506(i) IPC r/w Sections 3(1)(r) and 3(1)(s) of SC/ST Act. After completing investigation, the Assistant Commissioner of Police laid charge sheet before the learned Principal Sessions Judge, Special Court for the Trial of Cases under SC/ST (PoA) Act, Chennai, which was taken on file in Spl.S.C.No.60 of 2024. As per Section 15(1) of the SC/ST Act, it is mandate of every State to appoint a Special Public Prosecutor to conduct the case in the Special Courts constituted under the Act. The petitioner is entitled to engage an advocate to conduct the trial as per the provisions of the Act. Hence the petitioner made representation before the respondent seeking to appoint Mr.Mohan, as Special Public Prosecutor to



W.P.No.35067 of 2024

conduct the case. But the respondent has not considered the representation and passed any orders.

3 Learned Additional Public Prosecutor would submit that the case, which was registered based on the complaint filed by the petitioner, is pending in Chennai, but the petitioner seeking assistance of the Advocate, who is in Erode District, which is not feasible. The respondent is ready to provide a legal aid of an Advocate practicing at Chennai.

4 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials on record.

5 It is seen that the petitioner is a victim of the offence under the SC/ST Act. The petitioner is seeking assistance from the Advocate Mr.B.Mohan. But as submitted by the learned Additional Public Prosecutor for the respondent, the said Advocate is from Erode District, whereas the case is pending in the Court at Chennai. The respondent is also ready to appoint any competent Advocate, who is practicing at Chennai.



W.P.No.35067 of 2024

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6 Therefore the writ petition stands dismissed. No costs. However the petitioner is at liberty to approach the respondent for fresh appointment of competent Advocate, who is practicing at Chennai.

08.01.2025

Speaking Order/Non Speaking Order
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To

1. The District Collector, O/o.The District Collector, Chennai, Chennai District.
2. The Public Prosecutor, Madras High Court.



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W.P.No.35067 of 2024

P.VELMURUGAN, J.,

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W.P.No.35067 of 2024

08.01.2025