



W.P.No.38885 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.38885 of 2024

V.Ramasamy

... Petitioner

Vs.

The District Collector,
Kallakurichi District,
Kallakurichi.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 30.09.2024 made in Oo.Mu.C 1/4083/2024 on the file of the respondent herein and quash the same and consequently direct the respondent herein to appoint any one of the Government Advocate other than Mr.Rajavel, Additional Government Pleader to conduct the case on behalf of the prosecution in S.C.No.200 of 2023 on the file of the learned Additional District Judge, Kallakurichi.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.P.Balathandayutham
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the order dated 30.09.2024 passed by the respondent thereby rejected the request made by the petitioner for change of Public Prosecutor for the case pending trial in S.C.No.200 of 2023 on the file of the learned Additional District Judge, Kallakurichi.

2. The petitioner is the father of the deceased. The deceased was murdered by the petitioner's another elder son. In pursuant to the said occurrence FIR has been registered in Crime No.166 of 2022 on the file of the Inspector of Police, Keezhkuppam Police Station, Kallakurichi, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2), 302, 325 and 149 of IPC. After completion of investigation, the Inspector of Police filed final report and the same has been taken cognizance in S.C.No.200 of 2023, on the file of the learned Additional District Judge, Kallakurichi. The prosecution engaged one Rajavel, Additional Government Pleader to conduct the trial. Therefore, the petitioner submitted representation seeking some other person to be appointed as Additional Government Pleader to conduct the prosecution in S.C.No.200 of 2023, on the ground that the said Rajavel is very close



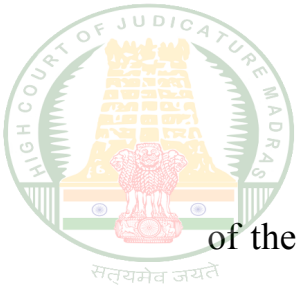
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friend of the accused. However, the said request was rejected on the ground that there is no provision to change the Additional Government Pleader.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. It is seen that in the case of trial for the offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, there is a provisions to appoint a Special Public Prosecutor to conduct the case, as per the request of the victim. Here it is a strange case that the father wants to prosecute as against his own son, that too for the murder of his another son. However, without considering the facts and circumstances, the respondent rejected the request made by the petitioner. Therefore, it cannot be sustained and liable to be quashed.

5. Accordingly, the order dated 30.09.2024 passed by the respondent in Oo.Mu.C 1/4083/2024, is hereby quashed. The respondent is directed to appoint any other Advocate from the panel as Additional Government Pleader to conduct the trial in S.C.No.200 of 2023 on the file



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of the learned Additional District Judge, Kallakurichi, within a period of

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two weeks from the date of receipt of a copy of this Order.

6. With the above directions, the writ petition stands allowed.

There shall be no order as to costs.

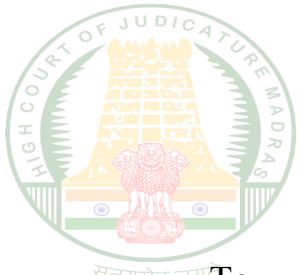
17.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

rts



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To
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1. Additional District Judge,
Kallakurichi.

2. The District Collector,
Kallakurichi District,
Kallakurichi.



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G.K.ILANTHIRAIYAN. J.

rts

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