



W.P(MD)No.6280 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.6280 of 2025

N.Selvakumar

... Petitioner

Vs

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Home Department,
Secretariat, Chennai.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.

3. The Inspector of Police,
Bhoothapandy Police Station,
Kanyakumari District, In Crime No. 334 of 2005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to consider and appoint Thiru S.Karthikeyan MS No.157 of 1984 Advocate, residing at 36 Neelamegam Nagar, Thirumogoor Road, Y.Othakadai, Madurai 625 107 as the Special Public Prosecutor to conduct the prosecution of the case in SC No. 13 of 2009 on the file of the learned District and Sessions Judge, Nagercoil, Kanyakumari District within a time frame limit as fixed by this Court.



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For Petitioner : Mr.R.Babu Jeganath
For Respondents : Mr.R.M.Anbunithi (R2,R3)
Additional Public Prosecutor

Mr.M.Senthil Ayyanar (R1)
Government Advocate

ORDER

This Writ Petition has been filed to direct the 1st respondent to consider and appoint Thiru S.Karthikeyan, MS No.157 of 1984 Advocate, residing at 36 Neelamegam Nagar, Thirumogoor Road, Y.Othakadai, Madurai 625 107 as the Special Public Prosecutor to conduct the prosecution of the case in SC No. 13 of 2009 on the file of the learned District and Sessions Judge, Nagercoil, Kanyakumari District.

2.According to the petitioner, two brothers of the petitioner were murdered by accused persons, thereby, two different cases have been registered. One of the case in S.C.No.204 of 2018 on the file of District and Sessions Court, Nagercoil, Kanyakumari District was disposed of by convicting some of the accused persons and acquitting the remaining accused persons. Against the Judgment of acquittal, appeal is pending. Now the present case in SC No. 13 of 2009 is also pending before the



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learned District and Sessions Judge, Nagercoil, Kanyakumari District for trial and therefore, the petitioner has sent a representation to the 1st respondent on 26.02.2025 for appointment of a Special Public Prosecutor in this case. The petitioner wants to put forth his case before the Court effectively. Therefore, he seeks permission to appoint Thiru. S.Karthikeyan MS No.157 of 1984 Advocate, residing at 36 Neelamegam Nagar, Thirumogoor Road, Y.Othakadai, Madurai 625 107 as Special Public Prosecutor, but the same has not been considered. Hence this petition.

3.The learned Government Advocate appearing for the first respondent would submit that the petitioner has sent a representation to the 1st respondent, instead of sending the same to the District Collector, who is the competent person to issue necessary orders. Therefore, the petitioner has to approach the District Collector, Nagercoil, Kanyakumari District for his remedy.

4.Heard the learned counsel on either side and perused the materials available on record.



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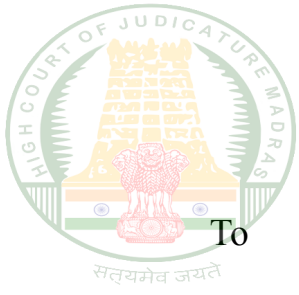
5.The main grievance of the petitioner is that in order to put forth his case before the Court effectively, he seeks permission to appoint Thiru S.Karthikeyan MS No.157 of 1984 Advocate, residing at 36 Neelamegam Nagar, Thirumogoor Road, Y.Othakadai, Madurai 625 107 as Special Public Prosecutor. However, he has not sent any representation to the District Collector, who is the competent person to appoint the Special Public Prosecutor.

6.In view of the above, the petitioner is at liberty to approach either the District Collector for appointment of Special Public Prosecutor or the trial Court for assisting the prosecution, by way of filing appropriate application under Section 18(8) of B.N.S.S., 2023, if any such application is being filed, it is for the District Court or the trial Court to take appropriate decision in this regard, in accordance with law.

7.With the above observations and directions, this Writ Petition is disposed of.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM



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1. The District and Sessions Judge, Nagercoil, Kanyakumari District
2. The District Collector, Nagercoil, Kanyakumari District.
3. The Principal Secretary to Government,
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Home Department,
Secretariat, Chennai.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.
5. The Inspector of Police,
Bhoothapandy Police Station,
Kanyakumari District,
In Crime No. 334 of 2005.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

PNM

ORDER IN
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