



W.P.Crl.(MD)No.1867 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.Crl.(MD).No.1867 of 2025

Mallika

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home(Courts) Department,
Secretariat,
Chennai.
- 2.The District Collector,
District Collector Office,
Tirunelveli District.
- 3.The Assistant Superintendent of Police,
Sub Division,
Nanguneri,
Tirunelveli District.
- 4.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No.265/2017)
- 5.S.Suresh Kumar

6.Sivan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 26.09.2025 and thereby terminate the appointment of 5th respondent as Special Public Prosecutor who had been appointed to conduct trial in S.C.No.167 of 2018 on the file of learned II Additional District and Sessions Court (PCR), Tirunelveli as per G.O(P) No. 332 dated 13.03.2024 of the 1st respondent and consequently direct the 2nd respondent to appoint any other eminent Senior Counsel/Public Prosecutor as per Rule 4(1) of Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Rules, 2016 and further direct the Learned II Additional District and Sessions Court(PCR), Tirunelveli to conclude the trial within a time frame fixed by this Court.

For Petitioner : Mr.A.Sivasubramanian

For R-1, R-3 & R-4: Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R-2 : Mr.A.Oliraja,
Government Advocate

ORDER

This Writ Petition is filed for Mandamus to direct the second respondent to consider the petitioner's representation dated 26.09.2025 and terminate the appointment of the fifth respondent as Special Public Prosecutor in S.C.No.167 of 2018 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli.



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2. The petitioner is an accused in S.C.No.167 of 2018 and her grievance is that the Special Public Prosecutor in collusion with the defacto complainant is delaying the proceedings before the Trial Court.

3. This Court is of the view that the accused would have no right to seek change of Special Public Prosecutor especially on the ground that there is a delay. It is seen that the case is pending in S.C.No.167 of 2018 since 2018 and the alleged occurrence is said to have taken place on 05.07.2017. Therefore, it would suffice to direct the learned Special Judge to consider expeditious disposal of the case since the case is pending for seven years.

4. With the above observations, this Writ Petition stands disposed of.
There shall be no order as to costs.

29.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
1.The Secretary to Government,
Home(Courts) Department,
Secretariat,
Chennai.



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2. The District Collector,
District Collector Office,
Tirunelveli District.
3. The Assistant Superintendent of Police,
Sub Division,
Nanguneri,
Tirunelveli District.
4. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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