

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.08.2016****CORAM:****THE HONOURABLE DR. JUSTICE S.VIMALA****Cr1.O.P. (MD) .No.15977 of 2016**

R.Prabhu
S/o.Rajendran
(rep. his minor daughter
P.Nandhini)

.. Petitioner

Vs.

1.The Superintendent of Police-
Madurai District,
Office of the Superintendent of Police,
Surveyor Colony, Madurai - 625 007.

2.The Inspector of Police,
Vikkiramangalam Police Station,
Vikkiramangalam Post,
Usilampatti Taluk,
Madurai District.

3.The Sub Inspector of Police,
Vikkiramangalam Police Station,
Vikkiramangalam Post,
Usilampatti Taluk,
Madurai District.
(Crime No.112 of 2016)

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 1st respondent to take steps to subject the Victim minor girl Nandhini (aged 15 years) D/o.R.Prabhu, Bathirakaliamman Kovil Street, Vikkiramangalam Post, Usilampatti Taluk, Madurai District, for medical examination to be conducted by the Board of Registered Medical Practitioners' i.e., Medical Board of Government Rajaji Hospital, Madurai within a time frame.

For Petitioner

: Mr.G.Thiagarajan

For respondents

: Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

**ORDER**

It is an application seeking a direction to the first respondent to take steps to subject the victim minor girl for medical examination to be conducted by the Medical Board of Government Rajaji Hospital, Madurai on the ground that the respondent Nos.2 and 3, colluding with the accused, are not taking any steps for the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. The learned Government Advocate (Criminal Side) appearing for the respondents filed a status report, in which in paragraph No.6 it is stated that as the victim was not available for examination, after obtaining orders from the Principal District Judge, she could not be taken for medical examination and if she is prepared to appear before them even tomorrow, they will immediately take the victim girl for medical examination.

4. The learned counsel for the petitioner would submit that taking the victim girl for medical examination at Usilampatti Government Hospital would create lot of problem for them and therefore, the medical practitioner at Government Rajaji Hospital, Madurai may be directed to conduct the medical examination. The respondents are also agreeable for the same.

5. Section 27 of the Protection of Children from Sexual Offences Act, 2012 deals with the manner in which the medical examination of a child to be conducted. The same is extracted hereunder for ready reference:

"27. Medical examination of a child.-(1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with Section 164-A of the Code of Criminal Procedure, 1973 (2 of 1974).

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) wherein, in case the parent of the child or other person referred to in sub-Section (3) be present, for any reason, during the medical examination of the child, the medical



examination shall be conducted in the presence of a woman nominated by the head of the medical institution."

6. Under such circumstances, the petitioner is directed to appear before the respondents Police, along with victim girl, on 02.09.2016 and on such appearance, the respondents police are directed to subject the victim girl for medical examination before the Board of registered medical practitioners to be constituted by the Dean, Government Rajaji Hospital, Madurai, forthwith.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police-
Madurai District,
Office of the Superintendent of Police,
Surveyor Colony, Madurai - 625 007.
2. The Inspector of Police,
Vikkiramangalam Police Station,
Vikkiramangalam Post, Usilampatti Taluk, Madurai District.
3. The Sub Inspector of Police,
Vikkiramangalam Police Station,
Vikkiramangalam Post, Usilampatti Taluk, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.G.Thiagarajan, Advocate, SR.No. 49234

Cr1.O.P(MD)No.15977 of 2016
31.08.2016

gcg

SH/SK-SKN/SAR-III:01.09.2016:3P/6C