



4. I further humbly submit that the evidence of petitioner namely Mrs.Parisal and victim Fathima Parveen were recorded through in-camera proceeding in the presence of Special Public Prosecutor, the counsel appointed by the petitioner to assist the prosecution, Defence counsel, Bench Clerk, Typist and Office Assistant. As a Presiding Officer I had only recorded what was deposed by both the petitioner and alleged victim. After verifying the contents of the deposition the witnesses have signed the same. No objection was raised on either side at any point of time."

3. Mr.S.M.A.Jinnah, learned counsel for the petitioner contended that the victim should get justice and, therefore, the case deserves to be transferred to any other Court.

4. Per contra, the learned Government Advocate (Criminal side) refuted the allegations.

5. This Court gave its anxious consideration to the rival submissions.

6. A trial under the Protection of Children from Sexual Offences Act can be conducted only before a Special Court and not before a regular Sessions Court. The Mahila Court, Tirunelveli, has been designated as Special Court for Protection of Children from Sexual Offences Act cases. As regards the contention of Mr.S.M.A.Jinnah, learned counsel that the Presiding Officer is not regulating the cross-examination by the defence, this Court is of the view that any interruption of a cross-examining counsel by the Presiding Officer during trial will be construed as an unnecessary interference in the thought process of the advocate. The Bar will not relish this. In this case, it is seen from the report given by the Presiding Officer that the witnesses have been examined in camera. Under such circumstances, this Court is of the view that this is not a fit case to transfer to any other Court. However, this Court directs the Presiding Officer not to permit scandalous questions touching upon the character of a lady during cross-examination. This Court presumes that the Presiding Officer will not bear in mind the grievance ventilated by the petitioner in the transfer petition and proceed with the trial uninfluenced by the averments made by the petitioner in the transfer application. The Presiding Officer shall also ensure that the police provide sufficient protection to the witnesses when they come for giving evidence to the Court. The Trial Court is directed to complete the trial.



7. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

/True Copy/

Sd/-
Assistant Registrar (C.O)

Sub-Assistant Registrar

To

1. The Sessions Judge,
Mahalir Neethimandram,
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
I/c. Chokkampatti Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.S.M.A.Jinnah, Advocate, SR.No.63276

SML
RL/5C/3P/KP/SAR2/10/7/2017

Order made in

CRL.O.P. (MD) No.4158 of 2017

Dated: 30.06.2017