

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11679 of 2018
and Crl.M.P.No.6094 of 2018

1.Jayanthi
2.Veerammal

.... Petitioners/Accused 6 & 7

Vs

State rep.by
The Inspector of Police,
A.W.P.S.,
Namakkal District.

.... Respondent/ Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 07.04.2018 passed by the learned Sessions Judge (Fast Track Mahila), Namakkal, in C.M.P.No.67 of 2018 in Spl.C.C.No.8 of 2016 in Crime No.7 of 2015 if A.W.P.S.Namakal and to recall P.W.1.

For Petitioners : Mr.B.Vasudevan

For Respondent : Ms.P.Kritika Kamal,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order dated 07.04.2018 passed by the learned Sessions Judge (Fast Track Mahila), Namakkal, in C.M.P.No.67 of 2018 in Spl.C.C.No.8 of 2016 in Crime No.7 of 2015 and to recall P.W.1.

2.The petitioners are facing prosecution in Spl.C.C.No.8 of 2016 for various offences under the POCSO Act. While so, the victim girl (X) was examined as P.W.1 on 11.11.2016 and on the same day, she was cross examined. Thereafter, the accused filed a petition under Section 311 of Cr.P.C. in Crl.M.P.No.575 of 2017 for the purpose of further cross examination of PW1, which was dismissed on 30.11.2017. However, A6 and A7 filed a petition in C.M.P.No.67 of 2018 in Spl.C.C.No.8 of 2016 to recall the victim girl for further cross examination on the ground that

there are contradictions in the cross examination of P.W.1 and the 164 statement and the said petition was dismissed by the trial Court on 07.04.2018. Challenging which, the accused are before this Court.

3.Heard Mr.B.Vasudevan, learned counsel appearing for the petitioners, who submitted that one more opportunity should be given to the accused to confront the victim girl with the previous statement recorded under Section 164 of CrPC.

4.The learned counsel appearing for the petitioners submitted that the name of the petitioners is not found in the F.I.R.

5.Per contra, Ms.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent refuted the contentions.

6.This Court gave its anxious consideration to the submissions of the learned counsel appearing for the petitioners.

7.Under Section 33(5) of the POCSO Act, a victim girl cannot be asked to come to Court again and again for giving evidence. The accused have been given sufficient opportunities to cross examine the victim girl in all aspects. Already, the petition filed by A1 in Crl.M.P.No.575 of 2017 has been dismissed by the trial Court.

In such view of the matter, there is no infirmity in the order passed by the trial Court warranting interference by this Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

mps

To

1.The Sessions Judge (Fast Track Mahila),
Namakkal.

2.The Inspector of Police,
A.W.P.S.,
Namakkal District.

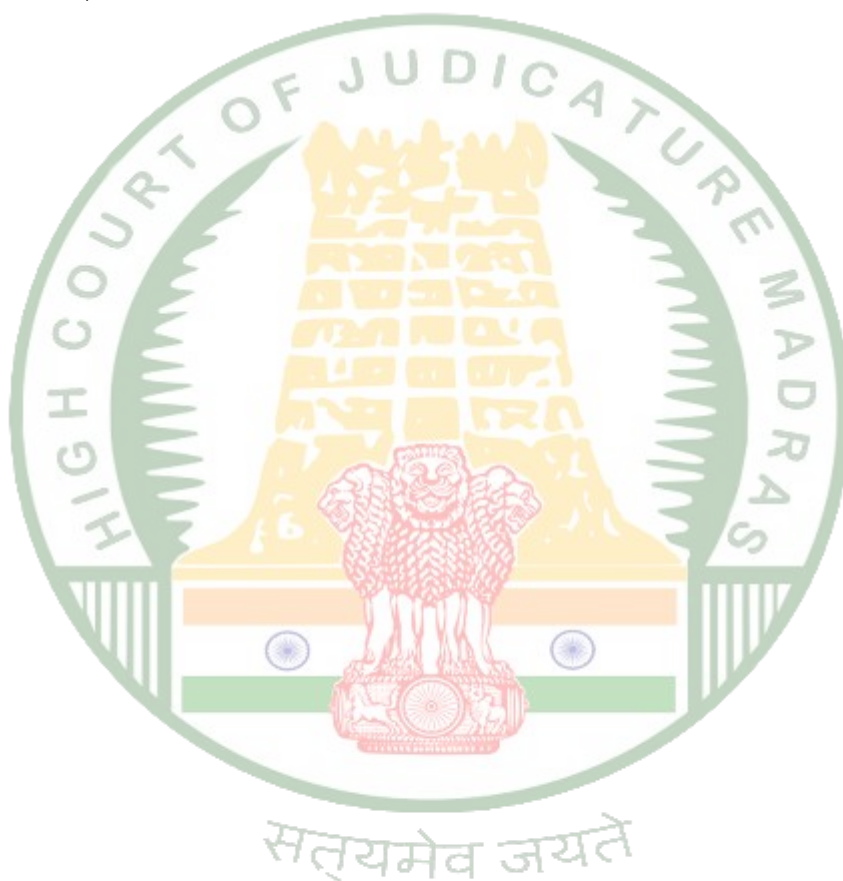
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3.The Public Prosecutor,
Madras High Court,
Chennai.

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GJII (CO)

RRK (17/05/2018)



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