

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.2929 of 2018

IN CRL A.87/2017

NAKSHATRA,
REP BY ITS CO FOUNDER
MS.SHERINBOSKO

[PETITIONER /FOR THIRD PARTY]

Vs

1 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
J-5 SHASTRI NAGAR POLICE STATION,
CHENNAI
CR.NO.594 OF 2014.

[RESPONDENTS]

2 HARIHARAN,

Petition praying that in the circumstances stated therein the High Court will be pleased to permit the petitioner Third party complainant to intervene and assist the prosecution in the above Criminal Appeal No.87 of 2017 appeal pending before this Hon'ble court and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.V.KANNADASAN Advocate for the petitioner and of PUBLIC PROSECUTOR FOR R1 on behalf of the Respondent, the court made the following order:-

This Miscellaneous Petition has been filed by a third party, by name, Nakshatra, seeking permission of this Court to intervene in this petition.

2. The petitioner/third party has stated in her affidavit that she is a Child Right Activist and has been regularly representing victim children in all Courts. She has further stated that she was authorized by the family of the victim to redress their grievances, by extending her full support to the prosecution during appeal. She has also cited the provisions of Section 301 of Cr.P.C. to plead that any private person may assist the prosecution to ensure conviction of the accused.

3. The petitioner has also stated that she only arranged for an Advocate to conduct the trial of the case before the Trial Court, besides filing a counter affidavit on behalf of the defacto complainant. Since she is one of the members of Rape Crisis Centre, an NGO, involving herself to

extend her help to children, who are subjected to sexual assault, she pleaded for necessary permission for her intervention in this matter.

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

5. The petitioner was represented by an Advocate, namely, Mr.V.Kannadasan. Normally, this Court would be reluctant to permit such third party complainants to intervene in these type of matters, but in this case, it is seen that the petitioner has been all along extending her help to the victim family in several ways and means, such as arrangement of Advocate, filing counter on their behalf etc. It is also seen that the victim family has been hailing from a poor family, having no means to engage an Advocate to contest the matter effectively and the petitioner, besides rendering legal assistance to the victim family, has been bearing the legal expenses also. The family members of the victim family have also authorized her to represent the case so as to get substantial justice in their case.

6. Therefore, considering the totality of the circumstances, this Court is of the view that the petitioner shall be allowed to intervene and assist the prosecution in the appeal.

7. Accordingly, this petition is ordered and the petitioner/third party is permitted to intervene and assist the prosecution in the appeal before this Court as per Section 301 of Cr.P.C.

-sd/-
23/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR CASES
UNDER POCSO ACT OF 2012, MAHILA COURT, CHENNAI

2 THE INSPECTOR OF POLICE,
J-5 SHASTRI NAGAR POLICE STATION, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.V.KANNADASAN Advocate on payment of necessary
charges

Order

in
CRL MP.2929/2018

in
CRL A.87/2017

Date :23/07/2018

From 7.2.2001 the Registry is issuing certified
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RD 26/07/2018