

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18987 of 2018

E.Nareshkumar

.. Petitioner

Vs

State rep. by
The Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai-26.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the trial court to recall PW2 in Crl.M.P.No.18313 of 2016 in S.C.No.183 of 2015 passed by the Mahalir Neethimandram, Chennai dated 09.11.2016.

For Petitioner : Mr.K.Kannan.

For Respondent : Mr.C.Raghavan, GA

O R D E R

The petitioner is facing prosecution under POCSO Act. 'X' the minor victim girl was examined as PW2 and she was not cross-examined. The prosecution examined other witnesses. The petitioner filed Crl.M.P.No.18313 of 2016 in S.C.No.183 of 2015 under Section 311 Cr.P.C., which has been partly allowed by the trial Court, inasmuch as, the trial Court has recalled PW1, PW3 to PW8. However, the trial Court has dismissed the petition qua the victim girl. Challenging the order dated 09.11.2016, the accused is filing the present petition in the year 2018.

2.Heard Mr.Kannan, learned counsel for the petitioner, who submitted that the examination of the victim girl 'X' is essential.

3.In view of Section 35 of the POCSO Act, a victim girl cannot be made to come to Court again and again to depose about the trauma underwent by her. In such view of the matter, this is not a fit case to interfere with the impugned order at this belated stage. Hence, this petition is dismissed as it is devoid of merits.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

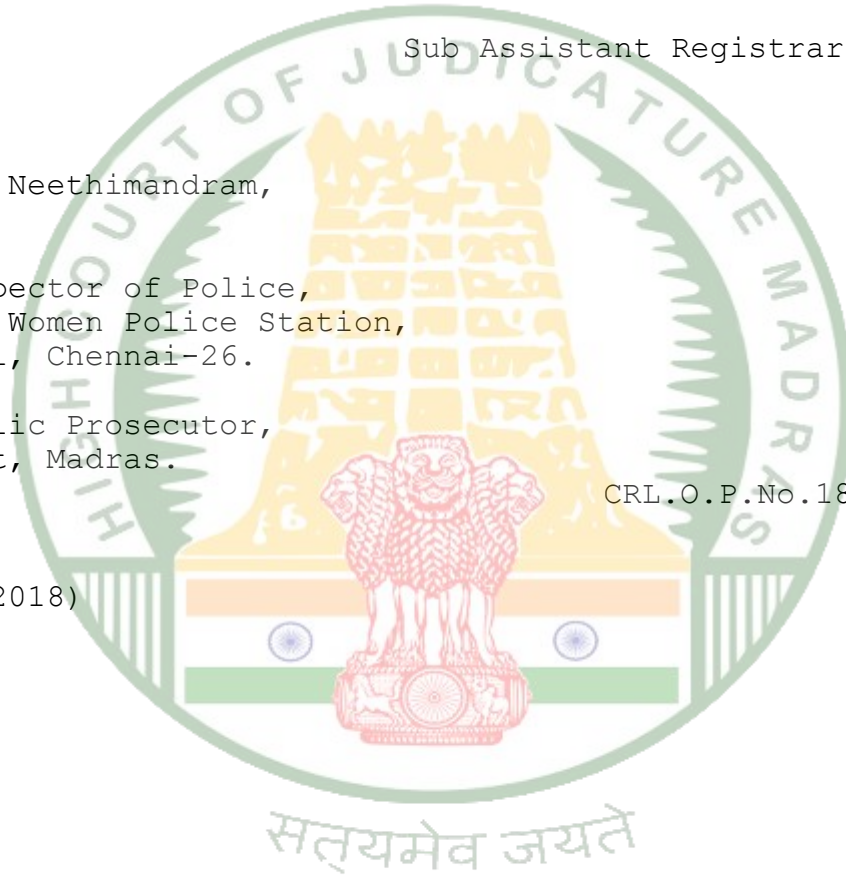
1.Mahalir Neethimandram,
Chennai.

2.The Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai-26.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18987 of 2018

SPD(CO)
TR(09/08/2018)



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