

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5066 of 2019

Marudhupandi

.. Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Spl.S.C.No.43 of 2015 on the file of the Fast Track Mahila Court, Dharmapuri and set aside the order dated 05.02.2019 dismissing the order passed in Crl.M.P.No.35 of 2019.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 311 of Cr.P.C. to recall P.W.1 for cross examination.

2. The learned Additional Public Prosecutor would submit that the FIR has been registered in Crime No.10 of 2015 for the offence under section 417, 312, 376 of IPC and 5(L) r/w 6 of POSCO Act 2012 and Section 4 of Tamilnadu Woman Harassment Act 1998. He would further submit that the charge sheet has been filed before the Sessions Judge, Fast Track Mahila Court, Dharmapuri in Spl.C.C.No.43 of 2015. He also submitted that

P.W.1 is a victim girl and she is a minor and repeatedly called for cross-examination before the Court below.

3. It is seen that PW1 is the minor girl and as contemplated under section 33(5) of POSCO Act, the minor cannot be called very often for cross examination. Therefore, the Trial Court rightly dismissed the petition under section 311 of Cr.P.C. Moreover, it is also seen that she was examined earlier counsel on record.

4. Considering the facts and circumstances of the case, this Court does not find any merits to set aside the order passed by the Court below. Hence, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1. The Sessions Judge,
Fast Track Mahila Court, Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.
3. The Public Prosecutor
High Court of Madras.

+1 cc to M/s.V.Sakkarapani, Advocate Sr.No.18867

Cr1.O.P.No. 5066 of 2019

RSV(CO)
CSL/01.04.2019

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