

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 7677 of 2019

Vimalraj

.. Petitioner

Vs

The State rep by its,
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.269 of 2017)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set-aside the order passed in Cr.M.P.No.777 of 2018 in Spl.C.C.No.27 of 2017 in Crime No.269 of 2017 dated 04.02.2019 on the file of the Court of Sessions (Fast Track Mahila) Judge, Namakkal.

For Petitioner : Mr.E.C.Ramesh

For Respondent : Mr.C.Raghavan

Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to set-aside the order passed in Cr.M.P.No.777 of 2018 in Spl.C.C.No.27 of 2017 in Crime No.269 of 2017 dated 04.02.2019 on the file of the Court of Sessions (Fast Track Mahila) Judge, Namakkal.

2. It is seen that PW1 to PW3 were examined by the prosecution. On the date of Chief examination, due to inconvenience, the petitioner's counsel did not cross-examine the PW1 to PW3. The petitioner was charged for the offence under Section 363 of IPC and Sections 11(iv) r/w 12 of POCSO Act.

3. Considering the facts and circumstances of this case, this Court is inclined to give one more opportunity to cross-examine PW1 to PW3. Accordingly, the order dated 04.02.2019, passed in Cr.M.P.No.777 of 2018 in Spl.C.C.No.27 of 2017 on the file of the Court of Sessions (Fast Track Mahila) Judge, Namakkal is hereby set aside and the petitioner is permitted to cross

examine PW1 to PW3 on payment of necessary charges. The trial Court is directed to fix a date for cross-examination and issue summons to PW1 to PW3. It is made clear that if the petitioner fails to cross-examine the above said witnesses on the day fixed by the trial Court, the Court of Sessions (Fast Track Mahila) Judge, Namakkal is directed to proceed further with the trial, in accordance with law.

4. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/vsn

To

1. The Court of Sessions (Fast Track Mahila) Judge, Namakkal.
2. The Inspector of Police, Rasipuram Police Station, Namakkal District.
3. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.E.C.Ramesh, Advocate, Sr.No. 27513

CSL/27.04.2019

CrI.O.P.No. 7677 of 2019

सत्यमेव जयते

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