

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 8727 of 2019

Mani @ Manikandan

.. Petitioner

Vs

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

.. Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to set-aside the order dated 05.02.2019 made in Cr.M.P.No.17 of 2019 in Spl.S.C.No.8 of 2017 on the file of the Fast Track Mahila Court, Dharmapuri.

For Petitioner : Mr.A.M.Esakkiappan

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

O R D E R

This Criminal Original Petition has been filed to set-aside the order dated 05.02.2019 made in Cr.M.P.No.17 of 2019 in Spl.S.C.No.8 of 2017 on the file of the Fast Track Mahila Court, Dharmapuri.

2. It is seen that PW1 to PW4 were examined by the prosecution. On the date of Chief examination, due to illness, the petitioner's counsel did not cross-examine the PW1 to P4. The petitioner was charged for the offence under Section 7 & 8 of Protection of Child from Sexual Offences Act, 2012 subsequently it was altered under Section 10 r/w 9(m) and 18 of Protection of Child from Sexual Offences Act, 2012.

3.Considering the facts and circumstances of this case, this Court is inclined to give one more opportunity to cross-examine PW1 to PW4. Accordingly, the order dated 05.02.2019, passed in Cr.M.P.No.17 of 2019 in Spl.S.C.No.8 of 2017 on the file of the Fast Track Mahila Court, Dharmapuri is hereby set aside and the petitioner is permitted to cross examine PW1 to PW4 on payment of necessary charges. The trial Court is directed to fix a date

for cross-examination and issue summons to PW1 to PW4. 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 Fast Track Mahila Court, Dharmapuri 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

//True Copy//

Sub Assistant Registrar

ssr/rri

To

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

Cr1.O.P.No. 8727 of 2019

rk(co)
nr 13/05/2019

सत्यमेव जयते

WEB COPY