

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10701 of 2019

1.Abdul Rahman  
2.Madeena  
3.Manikandan @ Karimullah  
4.Sameema .. Petitioners/Accused 1 to 4

Vs

State rep. by its  
The Inspector of Police,  
W-16, All Women Police Station,  
Puliyanthope, Chennai-12.  
Crime No.6 of 2017. .. Respondent/Complainant

Prayer:-

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.3606 of 2019 in S.C.No.165 of 2018 dated 08.03.2019 on the file of the Mahila Sessions Judge, Chennai.

For Petitioners : Mr.G.MohanaKrishna  
for Mr.K.G.Senthil Kumar

For Respondent : Mr.C.Raghavan  
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 08.03.2019 made in Crl.M.P.No.3606 of 2019 in S.C.No.165 of 2018 on the file of the Mahila Sessions Judge, Chennai.

2.The petitioner is facing trial before the Mahila Sessions Judge, Chennai for an alleged offence committed under Sections 6 & 17 of POCSO Act, 2012 r/w Sec.406 and 506(i) of I.P.C. in S.C.No.165 of 2018. The trial has already been commenced and PW1 was examined, examination of PW2/LW1 mother of the victim was

pending. Under such circumstances, the petitioner again wants to cross examine the PW1. Hence, the petitioner filed the present petition with the aforesaid prayer.

3. Considering the facts and circumstances of the case the petitioner may be given one more opportunity to cross examine PW1. Therefore, the order passed in CrI.M.P.No.3606 of 2019 in S.C.No.165 of 2018 dated 08.03.2019 on the file of the Mahila Sessions Judge, Chennai, is set aside.

4.The petitioner is permitted to let evidence on his side. Therefore, the trial Court is directed to permit the petitioner to cross examine PW1 on the next hearing date itself. If the petitioner fails to cross examine the witnesses, the trial court is directed to proceed with the case with costs and pass orders on merits and in accordance with law.

5. In the result, this Criminal Original Petition is allowed.

Sd/-

Deputy Registrar(CJ Conf.)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,  
W-16, All Women Police Station,  
Puliyanthope, Chennai-12.  
Crime No.6 of 2017.

2.The Mahila Sessions Judge, Chennai.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.38665

CrI.O.P.No.10701 of 2019

GJ(CO)  
CS/07/06/2019