

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl. O.P.No. 23780 of 2019

Mariappan

...Petitioner

Vs.

State represented by
Inspector of Police,
Thoppur Police Station,
Dharmapuri District,
Crime No.290 of 2016

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the Fast Track Mahila Court, Dharmapuri in Crl.M.P.No.321 of 2019 in Spl.S.C.No.20 of 2017 as against the dismissal of P.W.1 on 11.07.2019.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This petition has been filed by the petitioner seeking to set aside the order passed by the Fast Track Mahila Court, Dharmapuri in Crl.M.P.No.321 of 2019 in Spl.S.C.No.20 of 2017 as against the dismissal of P.W.1 on 11.07.2019.

2. Section 33 (5) of the POSCO Act, mandates that the Special Court shall ensure that the victim girl is not repeatedly called to the Court to testify.

3. In this case, P.W.1 was examined on 10.10.2018, on which date the accused was not ready to cross-examine and therefore, it was recorded that no cross on the side of the accused. The other witnesses were thereafter examined and after lapse of eight months, the petitioner herein filed this application under Section 311 Cr.P.C. seeking to cross-examine the victim girl. The Fast Track Mahila Court, Dharmapuri had recorded its findings and rejected the petitioner's application.

4. I do not find any infirmity in the findings recorded by the Special Court. This Court is also of the view that the Fast

Track Mahila Court, Dharmapuri had rightfully applied its mind and rejected the application. Hence, no interference is required to the impugned dismissal order.

Accordingly, this Criminal Original Petition is dismissed.

bri/ssr

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

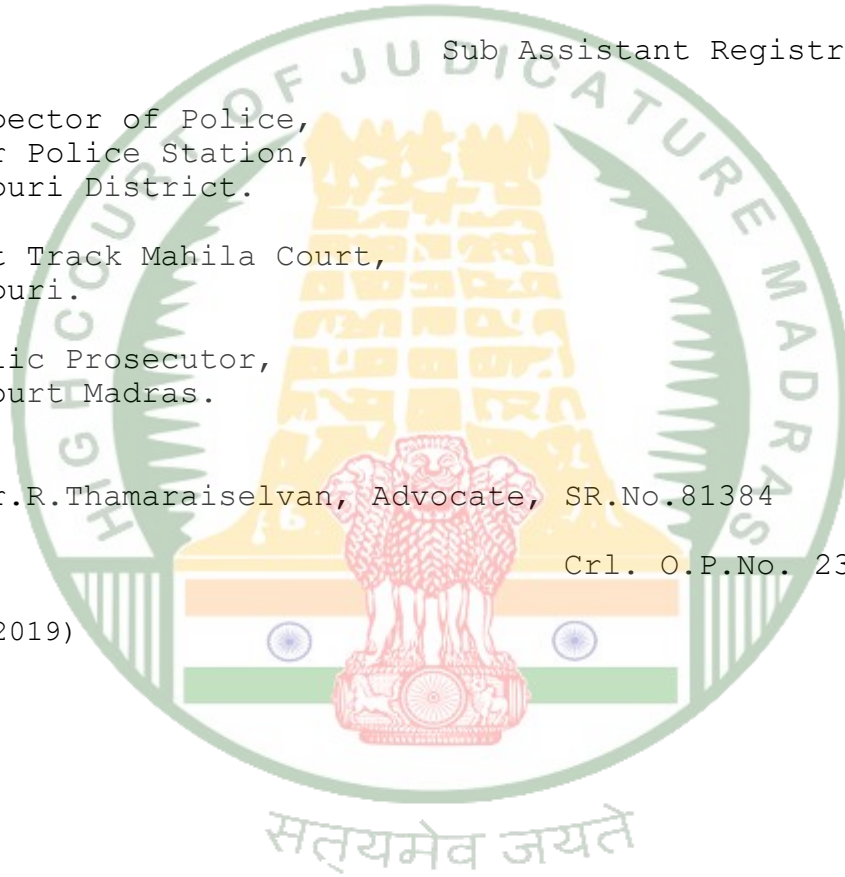
2.The Fast Track Mahila Court,
Dharmapuri.

3.The Public Prosecutor,
High Court Madras.

+1cc to Mr.R.Thamaraiselvan, Advocate, SR.No.81384

Cr1. O.P.No. 23780 of 2019

Kak(08/11/2019)



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