

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25839 of 2019

Mohammed Arish

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Velampalayam Police Station,
Tirupur District.
(Cr.No.306 of 2018)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside order dated 26.03.2019 passed in the Crl.M.P.No.157 of 2019 in Spl.S.C.No.38 of 2018 pending on the file of the Mahalir Neethimandram, Tiruppur and thereby allow the petitioner to cross examine the PW1.

For Petitioner : S.P.Meenakshi Sundharam

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

This petition is filed to set aside the order dated 26.03.2019 passed in the Crl.M.P.No.157 of 2019 in Spl.S.C.No.38 of 2018 by the learned Sessions Judge, Mahalir Neethimandran, Tiruppur.

2. Section 33(5) of Protection of Children from Sexual Offences Act mandates that the victim should not be called repeatedly to testify.

3. In the instant case, the victim girl/PW1 has already been cross examined and the petitioner now submits that he has discovered certain documents subsequently and for the purpose of establishing those documents, he intends to cross examine PW1. Such submission has been negatived by the Trial Court that the petitioner is trying to protract the proceedings. When the petitioner had the opportunity to cross examine PW1 earlier, due

care ought to have been taken to establish their case by producing all the relevant documents and subsequent discovery of the documents, particularly in a case in connection with the POCSO Act, cannot be permitted, in view of Section 33(5) of the Act. As such, I do not find any infirmity in the findings of the Trial Court.

4. The Criminal Original Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Inspector of Police,
Velampalayam Police Station,
Tirupur District.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.P.Meenakshi Sundharam, Advocate SR.No.82938

Crl.O.P.No.25839 of 2019

SKS(CO)
GMY(10/10/2019)

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