

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.27667 of 2019
and
Crl.M.P.No.14753 of 2019

M.Sanjeevikumar ... Petitioner / Accused

Vs

The Inspector of Police,
Kadathur Police Station,
Dharmapuri District. ... Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to call for the records and set aside the order dated 05.04.2019 made in C.M.P.No.87 of 2019 in Spl.SC.NO.6 of 2017 on the file of Learned Sessions Judge, Fast Track Mahila Court, Dharmapuri District.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The prayer sought for in the present petition is to set aside the order dated 05.04.2019 made in C.M.P.No.87 of 2019 in Spl.SC.NO.6 of 2017 on the file of learned Sessions Judge, Fast Track Mahila Court, Dharmapuri District.

2. I do not find any infirmity in the finding of the Trial Court rejecting the petitioner's request for examining the victim girl/PW.7, in view of Section 33(5) of the Protection of Children from Sexual Offence Act.

3. Nevertheless, insofar the other witnesses, namely PW.1 to PW.6 and PW.8 to PW.10 are concerned, it is seen that these witnesses were examined on 13.02.2019 and 22.02.2019 and the petitioner had filed his application under Section 311 Cr.P.C on 05.04.2019 itself.

4. In my view, further opportunity could have been granted to the petitioner to cross examine these witnesses. In order to ensure that the petitioner does not protract the proceedings, the cross examination of PW.1 to PW.6 and PW.8 to PW.10 shall be restricted to a stipulated time.

5. In the light of the above observations, the order dated 05.04.2019 passed in C.M.P.No.87 of 2019 in Spl.SC.NO.6 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri District, is set aside. Consequently, the learned Sessions Judge shall permit the petitioner to cross examine PW.1 to PW.6 and PW.8 to PW.10, within a period of one week from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

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

+1 cc to M/s.A.Saranraj, Advocate, S.R.No.86975

CNR(CO)
SSM(18/10/2019)

Crl.O.P.No.27667 of 2019
and
Crl.M.P.No.14753 of 2019