

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.O.P.No.27654 of 2019  
and  
CrI.M.P.No.14743 of 2019

S.Nagarjuna

...Petitioner/Accused

Vs

State Rep by,  
The Inspector of Police,  
W-16, All Women Police Station,  
Pulianthope,  
Chennai - 600 012.

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to call for the records pertaining to the order in CrI.M.P.No.18298 of 2019 in S.C.No.83 of 2018 dated 01.10.2019 dismissed order passed by the Hon'ble Sessions Mahila Court, Chennai and set aside the same.

For Petitioner : Mr.M.Anandraj

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 01.10.2019 passed in CrI.M.P.No.18298 of 2019 in S.C.No.83 of 2018 on the file of learned Sessions Judge, Mahila Court, Chennai.

2. By relying upon Section 33(5) of the Protection of Children from Sexual Offence Act, the Trial Court had rejected the petitioner's complaint under Section 311 Cr.P.C., stating that the victim child should not be repeatedly called to justify in the Court.

3. It is the submission of the learned counsel for the petitioner that pending the criminal proceedings, the victim had attained majority and is now living with the petitioner, after their marriage. In order to bring out certain statements from the victim girl in connection with their matrimonial life, the petitioner intends to examine her in chief. Though the act

specifies that the victim girl should not be repeatedly called to justify in the Court under exceptional circumstances, such an opportunity can be given to the petitioner for the purpose of cross examination.

4. In the instant case, the victim girl was examined on 02.08.2019 and in the next hearing dates, the petitioner had filed an application under Section 311 Cr.P.C. As such, this Court is of the view that one final opportunity could be granted to the petitioner to cross examine the victim girl/PW.1

5. In the light of the above observations, the order dated 01.10.2019 passed in Crl.M.P.No.18298 of 2019 in S.C.No.83 of 2018 on the file of the learned Sessions Judge, Mahila Court, Chennai, is set aside. Consequently, the petitioner is permitted to cross examine PW.1 on 21.10.2019. It is made clear that the petitioner shall endeavour to complete the cross examination on 21.10.2019 itself and no further opportunity will be granted.

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

To

1.The Sessions Judge,  
Mahila Court,  
Chennai.

2.The Inspector of Police,  
W-16,All Women Police Station,  
Pulianthope,  
Chennai - 600 012.

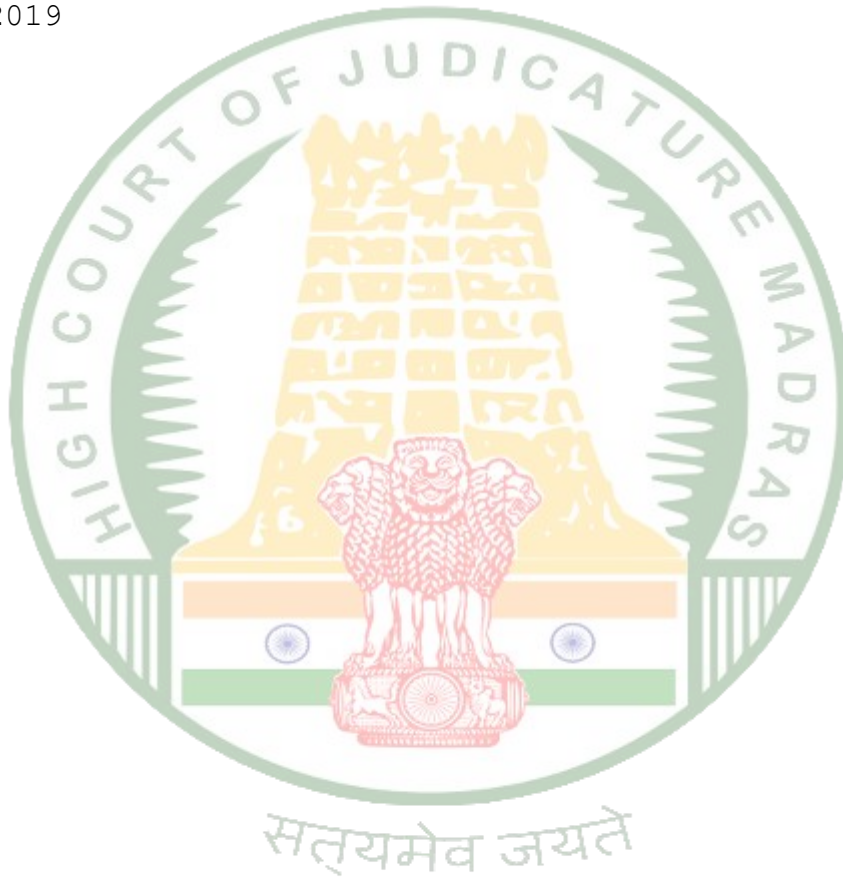
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3.The Public Prosecutor,  
High Court of Madras.

+2cc to Mr.M.Anandraj, Advocate sr.86805

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nr 18/10/2019



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