

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.29569 of 2019

Hariraj

... Petitioner/Accsed

Vs.

State rep by:

The Inspector of Police,
AWPS Police Station,
Gopichettipalayam.
(Crime No.2 of 2018)

... Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order made in CMP No.365 of 2019 in Spl SC No.23 of 2018 by the Fast Track Mahila Court dated 16.10.2019.

For Petitioner : Mr.P.Govindarajan

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

In normal circumstances, this Court would not interfere with the dismissal order seeking for recall of child victim and therefore it can be said there is no infirmity on the part of the trial Court in rejecting the petitioner's request to recall PW2.

2.The learned counsel for the petitioner would submit that they have now discovered a crucial document based on which certain suggestions required to be put to the victim girl and such questions may be relevant for the purpose of deciding the case.

3.This Court is inclined to take a lenient view by giving an opportunity to the petitioner and at the same time by taking into account the prejudice that would be caused to the victim, it would be appropriate to put the petitioner on terms and restricting the time for recall and cross-examination.

3. In the light of the above observation, the impugned order dated 16.10.2019 on the file of the Fast Track Mahila Court, insofar as it relates to rejection of the petitioner's request to recall PW2 is set aside and consequently the learned Sessions Judge, Fast Track Mahila Court, Erode, shall permit the petitioner to recall and cross-examine of PW2 on 07.11.2019. It is made clear that the petitioner shall complete the cross-examination of PW2 on 07.11.2019 itself and no further opportunity will be granted. The petitioner shall also pay a cost of Rs.3500 to the child victim.

4. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssr/sbn

To

1. The Sessions Judge,
Fast Track Mahila Court,
Erode.
2. The Inspector of Police,
AWPS Police Station,
Gopichettipalayam.
3. The Additional Public Prosecutor,
High Court of Madras.

+1 cc to Mr.P.Govindarajan, Advocate, S.R.No.91491

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PPA(CO)

SSM(06/11/2019).

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