



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.6328 of 2019

WEB COPY

A.Umar Muthaar

: Petitioner/Sole Accused

/Vs./

The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai District.

: Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the District and Sessions Judge, Mahalir Neethimandram, Madurai, in Cr.M.P.No.1400 of 2017 in Spl.S.C.No.30 of 2016 dated 03.08.2017 and further direct the District and Sessions Judge, Mahalir Neethimandram, Madurai to recall P.W.2 for cross examination.

For Petitioner : Mr.S.Pakalavan

For Respondent : Mr.V.Neelakandan

Additional Public Prosecutor

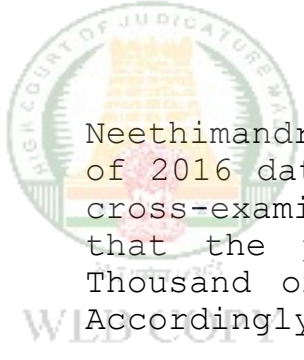
ORDER

This petition has been filed to set aside the order passed by the learned District and Sessions Judge, Mahalir Neethimandram, Madurai, in Crl.M.P.No.1400 of 2017 in Spl.S.C.No.30 of 2016 dated 03.08.2017 and further direct the learned District and Sessions Judge, Mahalir Neethimandram, Madurai, to recall P.W.2 for cross examination.

2. Admittedly, there is some delay in moving this Court, but then this delay has occasioned not entirely because the petitioner has approached this Court for setting aside the order passed in Crl.M.P.No.1400 of 2017 in Spl.S.C.No.30 of 2016 dated 03.08.2017, but because challenging the subsequent order rather mistakenly. In this case, sexual offence is said to have committed against the minor child and the petitioner faces trial for offences under Sections 7 and 8 of the POCSO Act and 506(i) IPC.

3. The learned Additional Public Prosecutor submitted that the prosecution evidence is completed.

4. After hearing rival submissions, in the interest of substantial justice, this Court chooses to set aside the order of the trial Court and accordingly, this Court sets aside the order passed by the learned District and Sessions Judge, Mahalir



Neethimandram, Madurai, in Crl.M.P.No.1400 of 2017 in Spl.S.C.No.30 of 2016 dated 03.08.2017 and recalled P.W.1 and P.W.2, who shall be cross-examined on the same day by the petitioner on the condition that the petitioner shall pay a sum of Rs.2,000/- [Rupees Two Thousand only] to the District Legal Services Authority, Madurai. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District and Sessions Judge,
Mahalir Neethimandram, Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

4.The Secretary,
The District Legal Services Authority,
Madurai.

+1cc to Mr.S.Pakalavan,Advocate, SR.No.63717

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SP/29.04.2019/2P/6C