

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6335 of 2020
and
Crl.M.P.No.3512 of 2020

Kadaladiyan @ MarimuthuPetitioner/Accused

-Vs-

State Represented by
Inspector of Police,
All Women Police Station,
Polur,
Tiruvannamalai District.

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order in Crl.M.P.No.1145 of 2019 dated 06.12.2019 in Spl.S.C.No.9 of 2015 on the file of the learned Fast Track Mahila Judge, Tiruvannamalai, presently on the file of the learned Special Judge for POCSO cases, Tiruvannamalai in Spl.S.C.No.10 of 2019, set aside the same and allow the Petition in Crl.M.P.No.1145 of 2019.

For Petitioner : Mr.G.Ashok Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.1145 of 2019 dated 06.12.2019 in Spl.S.C.No.9 of 2015 on the file of the learned Fast Track Mahila Judge, Tiruvannamalai.

2.The learned counsel for the petitioner submitted that the petitioner is the sole accused in this case. Totally 22 witnesses have been examined by the prosecution and due to the inconvenience of the learned counsel appearing for the petitioner, the petitioner could not cross-examine the witnesses. P.W.2 is the victim girl and she has to necessarily

be cross examined. Therefore one more opportunity may be given to the petitioner to put fourth his defence. Therefore, he prays to allow this petition.

3.The learned Additional Public Prosecutor would submit that all the witnesses have been examined and the case is posted for arguments. Hence, he prayed for dismissal of this petition.

4. Heard Mr.G.Ashok Kumar, the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent.

5. The petitioner is a sole accused in this case. P.W.2 is the victim girl and there are totally 22 witnesses in this case. The petitioner cross examined the witnesses and the case is posted for arguments. The petitioner, being the sole accused, the victim girl has to be not necessarily cross examined by the petitioner.

6. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put fourth his defence. Accordingly, the order dated 06.12.2019, passed by the learned Fast Track Mahila Judge, Tiruvannamalai, in Crl.M.P.No.1145 of 2019 in SPL.S.C.No.9 of 2015, is hereby set aside and the petitioner is permitted to cross examine P.W.1, P.W.3, P.W.4 and P.W.22 alone by payment of necessary charges on the date fixed by the trial Court. The trial Court is directed to fix the date within four weeks from the date of receipt of copy of the order for cross examining the witnesses. If the petitioner failed to cross-examine P.W.1, P.W.3, P.W.4 and P.W.22, the trial Court is directed to proceed with trial in accordance with law.

7. With the above directions, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tta

To

1.The Learned Fast Track Mahila Judge,
Tiruvannamalai,

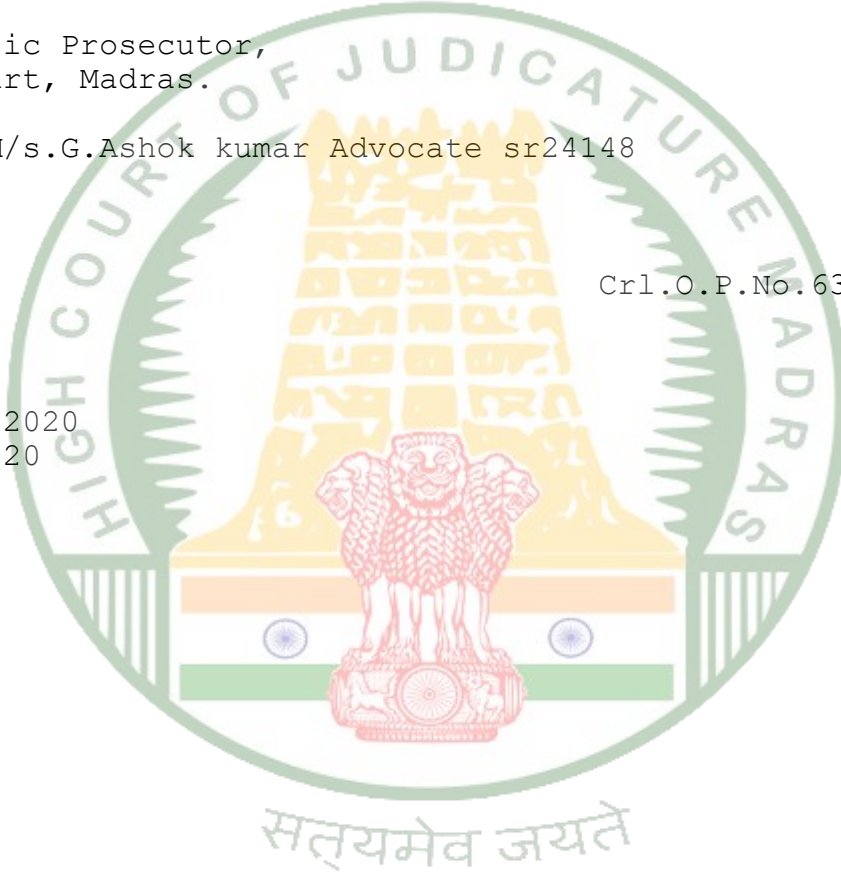
2.The Inspector of Police,
All Women Police Station,
Polur,
Tiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.G.Ashok kumar Advocate sr24148

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