

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6823 of 2021

Subash Chandrabose

... Petitioner/Accused

Vs.

The State Represented by
The Inspector of Police,
Veppur Police Station,
Cuddalore.

Crime No.188/2019

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the dismissal order regarding P.W.1 in Criminal M.P.No.37 of 2021 in Special Sessions Case No.118 of 2019 by Special Court Pocso Act Cases, Cuddalore dated 23.02.2021.

For Petitioner : Mr.R.Kumaresan

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

O R D E R

This Criminal Original Petition has been filed to set aside the dismissal order regarding P.W.1 in Criminal M.P.No.37 of 2021 in Special Sessions Case No.118 of 2019 by Special Court Pocso Act Cases, Cuddalore dated 23.02.2021.

2. Heard the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. It is the contention of the petitioner that the petitioner and P.W.1 were love each other, they belongs to the same Village and also a social standing is also similar. There is no much of difference between them. In fact their love affair was opposed by P.W.2 to P.W.4, who are the family members of the victim. P.W.1 and the petitioner were attacked for which, the case was registered against them. These facts have to be brought him, he relies to understand them. He

further submits that the victim expressed love towards the petitioner on several occasions and she is willing to marry him.

4. The counter filed by the respondent police before the lower Court that also confirms the same stating to recall the victim girl. There may be chance of hostility.

5. The learned counsel for the petitioner is formed that if the victim is allowed to depose freely she would reiterate the relationship and also her willingness in joining with the petitioner for finding the offences lodged against the petitioner, facing the trial of offences and it would be appropriate by the petitioner and give an opportunity to confirm with the victim girl about his relationship, already lower Court has allowed and the petitioner is permitted to cross examine the witnesses P.W.2 to P.W.4 who are family members of P.W.1.

6. In view of the same, this Court is inclined to allow the petition permitting to the petitioner to recall P.W.1 for the purpose of the evidence. On the undertaking of the petitioner on the day the witnesses are present on the same day their evidence should be completed without taking any time on trying on the proceedings.

7. With the above observations, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna

To

1.The Special Court Judge POCSO Act Cases,
Cuddalore.

2.The Inspector of Police,
Veppur Police Station,
Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

Copy To:
The POCSO Committee
High Court Madras.

+1cc to Mr.R.Kumaresan, Advocate, sr no.22146

Crl.O.P.No.6823 of 2021

MG (CO)
RMP (17/04/2021)



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