

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

Coram:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8698 of 2021
and Crl.M.P.No.5721 of 2021

Seenuvasan

..Petitioner

Versus

State rep. by
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
Crime No.616 of 2018..

..Respondent

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to call for the records pertaining to the Crl.M.P.No.267 of 2021 in Spl.S.C.No.68 of 2019 on the file of Special Judge (POCSO Court), Cuddalore dated 24.03.2021 and set aside the above order.

For Petitioner : Mr.M.Selvam
For Respondent : Ms.Sharadha,
Government Advocate

O R D E R

The relief sought for in this petition is to call for the records pertaining to the Crl.M.P.No.267 of 2021 in Spl.S.C.No.68 of 2019 on the file of Special Judge (POCSO Court), Cuddalore dated 24.03.2021 and set aside the order passed in the aforesaid criminal miscellaneous petition.

2. Heard the learned counsel on either side.

3. The petitioner is facing trial in Spl.S.C.No.68 of 2019 on the file of Special Court (POCSO Act), Cuddalore. He did not cross examine P.W.1 & P.W.2, when they appeared before the Court below. Hence, he filed a petition in Crl.M.P.No.267 of 2021 seeking to recall the witnesses viz., P.W.1 & P.W.2. The learned Special Judge (POCSO Court), Cuddalore vide order dated 24.03.2021, had allowed the said petition in respect of P.W.1, and dismissed the same in respect of P.W.2 for the following two reasons:

(i) The victim should not be repeatedly summoned for Cross Examination.

(ii) P.W.2 turned hostile.

Aggrieved by the order dated 24.03.2021 passed in Crl.M.P.No.267 of 2021, the petitioner has filed the present Criminal Original Petition for the relief stated supra.

4. From a perusal of the order passed by the learned Special Judge in Crl.M.P.No.267 of 2021, it is seen that the reasons stated by the learned Special Judge for partly dismissing the petition filed by the petitioner herein are sound and well-founded. Hence, I find no infirmity in the aforesaid order.

5. In the result, this Criminal Original Petition is dismissed and the order passed by the learned Special Judge (POCSO Court), Cuddalore in Crl.M.P.No.267 of 2021 dated 24.03.2021 is confirmed. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(Audit)

True Copy

Sub-Assistant Registrar

mrr

To

1. The Special Judge, POCSO Court, Cuddalore.

2.The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

Crl.O.P.No.8698 of 2021

SR(CO)
EU 12.5.2021