



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 06.10.2021

CORAM

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.O.P (MD) .No.15179 of 2021

Manikandan

... Petitioner/Petitioner/Juvenile

Vs

State rep. by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.29 of 2018)

... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the order passed by Juvenile Justice Board, Madurai in Crl.M.P.No.626 of 2019 in J.C.No.19 of 2019 vide its order dated 07.02.2020 and set aside the same.

For Petitioner : Mr. Pitchai Muthu

For respondent : Mr.RMS. Sethuraman

Additional Public Prosecutor

ORDER

The present Criminal Original Petition is filed seeking to set aside the order, dated 07.02.2020 passed in Crl.M.P.No.626 of 2019 in J.C.No.19 of 2019 by Juvenile Justice Board, Madurai

2. The case of the petitioner is that a case has been registered against the petitioner in Crime No.29 of 2018 for the offence under Sections 341, 294(b) and 307 r/w Section 8 of POCSO Act. During the course of proceedings PW.1 to PW.5 were examined as chief and they were not cross examined by the petitioner. For the purpose of cross examination of witnesses, the petition in Crl.M.P.No.626 of 2019 has been filed by the petitioner and the same was dismissed by the Juvenile Justice Board, Madurai on 07.02.2020. He would further submit that without giving an opportunity to cross examine the witnesses the dismissal of Crl.M.P.No.626 of 2019 is not proper. Further on the date of said order, the counsel for petitioner went to Ramanathapuram to attend the Court and look after the proceedings of his Judicial work and that the contention has



been denied by the Court below. However, the co-accused / A2, adult has been acquitted by the Sessions Court in Spl.Case.No.21 of 2019.

3. On perusal of the records it is seen that the petitioner is facing serious charges, I am of the considered opinion that without giving an opportunity to cross examine the evidences a fair trial may not be possible. On that sole ground this Court is of the considered view that on stringent conditions, permission may be granted to the petitioner to cross examine the PWs. 1 to 5.

1) The petitioner must deposit a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to each of the witnesses to the credit of J.C.No.19 of 2019 before the trial Court, within a period of 15 days from the date of receipt of a copy of this order.

2) On such deposit, the trial Court is directed to recall the witnesses P.W.1 to PW.5 for cross examination by fixing a particular date. On that date, the petitioner must cross examine the witnesses without fail. If any failure is noticed, then the further right to cross examine the witnesses will be forfeited.

4. With the above directions, this criminal original petition is allowed and the order passed by the trial Court in CrI.M.P.No.626 of 2019 in J.C.No.19 of 2019 dated 07.02.2020, is hereby set aside.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1.The Judge,Juvenile Justice Board, Madurai

2.The Inspector of Police,
Koodakovil Police Station,
Madurai District.

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

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MGJ/PM(01.11.2021) 2P 4C