



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P(MD)No.19067 of 2018

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... Petitioner/LW 1

Vs

1.State represented by
Inspector of Police,
All Women Police Station - Lalgudi,
Tiruchirapalli.

2.Jones doni

3.Agnus ... Respondents/Complainants
(R2 and R3 are impleaded
as per the order of Court
made in Crl.M.P(MD)No.
9780 of 2018, vide order
dated 28.11.2018)

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Learned Sessions Judge, Mahila Court, Tiruchirapalli to strictly adhere to the procedure contemplated under Section 33(2) of Protection of Child from sexual offences Act, 2012 by examining petitioner/LW1 afresh.

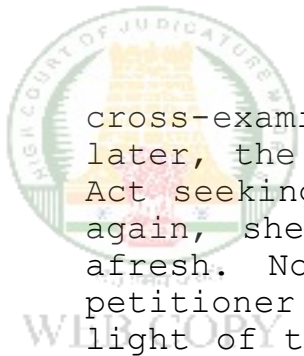
For Petitioner	: Mrs.A.Jegatha
For Respondents	: Mr.T.Antony Sahaya Prabakar Additional Public Prosecutor for R1 Mr.T.J.Ebenezer for R2.

O R D E R

This Criminal Original Petition has been filed for directing the learned Sessions Judge, Mahila Court, Tiruchirapalli, to the procedure contemplated under Section 33(2) Protection of Child from sexual offences Act, 2012.

2.The grievance of the petitioner is that without following the procedure contemplated after said application, trial has been proceeded on that basis. This petition has been filed for seeking a direction.

3.When the matter is taken up for hearing on 06.02.2019, report has been called for from the trial Court and the trial Court submitted a report, wherein he has stated that the victim was



cross-examined on 10.05.2018 and 28.05.2018 by his predecessor and later, the victim has filed the petition under Section 25(2) of the Act seeking documents and the petition is particularly allowed. So again, she filed oral request stating that she must be examined afresh. No memo was filed. Since this is a simple issue, the petitioner can work out her remedy before the trial Court in the light of the report that has been submitted by the trial Judge. A proper petition has to be filed by the victim through the Public Prosecutor, the trial Judge concerned shall consider the same on merits. No other direction is necessary by this Court. Victim is aged about 17 years while examination and by this time, she would have been aged about 22 or 23. So, this fact shall be taken into account by the trial Court with this petition is ordered accordingly.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

btr/gbg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Sessions Judge,
Mahila Court, Tiruchirapalli.
- 2.The Inspector of Police,
All Women Police Station - Lalgudi, Tiruchirapalli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Section Officer, Criminal Section Records,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

- +1 CC to M/s.A.SIVASUBRAMANIAN, Advocate(SR-35921 dated 25/11/2021)
+1 CC to M/s.T.SENTHILKUMAR, Advocate(SR-36090[F] dated 26/11/2021)

Crl.O.P(MD)No.19067 of 2018

25.11.2021

RS (09.12.2021) 2P 8C

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