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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM : JUSTICE N.SESHASAYEE

Crl.R.C.No.25 of 2022
and Crl.MP.No.188 of 2022

Dhanapal

.. Petitioner / Petitioner / Sole
Accused

Vs.

State rep by its
Inspector of Police
Kondalampatty Police Station
Salem City.
Crime No.213 of 2020

.. Respondent/ Complainant

PRAYER: Criminal Revision filed under Section 397 & 401 Cr.P.C.,
praying to set aside the order in Crl.M.P.No.229 of 2021 in
Spl.S.C.No.20 of 2020 on the file of the Special Court Exclusive
trial of Cases under POCSO Act, Salem, and the same was dismissed
on 04.12.2021.

For Petitioner: Mr.M.Senthilkumar

For Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

O R D E R

This Court has heard the learned counsel for the petitioner on
14.02.2022 and for the convenience of all concerned, the
operative portion of the order dated 14.02.2022 is extracted
below :

This revision is filed by the sole accused in
Spl.S.C.No.20 of 2020 on the file of the Principal
Special Court for Exclusive Trial of POCSO cases, Salem,
challenging the order dismissing the Crl.MP.No.229 of
2021, which the revision petitioner has filed for
discharging him under Section 227 of Cr.P.C.,

2. The allegation is that the accused had sexually
assaulted a seven year old daughter of the defacto-



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complainant, that she had complained about the abdominal pain and later disclosed that the accused/revision petitioner herein had attempted penetrative offence. The medical examination of the victim girl is complete and the expert witness in her 161 statement has expressed an opinion that the sexual assault cannot be ruled out due to labial adhesion. The statement of the victim also indicates that there is a prima facie case for framing the charge.

2. On 14.02.2022, the learned counsel for the revision petitioner took time to obtain instructions in the matter. The learned counsel argued that the nature of the materials provided by the Investigating Agency is far too sweeping and no material is made available for framing a charge.

3. However, as has been noted, there are reasonable materials to frame charges against the accused / revision petitioner. Therefore, this Court is not inclined to interfere with the order of the learned Principal Sessions Judge, Principal Special Court for Exclusive Trial of POCSO Cases, Salem in Crl.MP.No.229 of 2021 in Spl.S.C.No.20 of 2020.

4. In conclusion, this revision is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To:

1. The Principal Sessions Judge
Principal Special Court for Exclusive
Trial of Cases under POCSO cases
Salem.

2.The Inspector of Police
Kondalampatty Police Station
Salem City.

3.The Public Prosecutor
High Court, Madras.



4.The Hon'ble POCSO Committee,
High Court Madras.

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PMK (CO)
CB(10/03/2022)

Cr.R.C.No.25 of 2022
Crl.MP.No.188 of 2022