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CrI.O.P.No.15563 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.15563 of 2022

Chinnaraj

... Petitioner

Versus

State Represented by
The Inspector of Police
All Women Police Station
Tiruvannamalai District

.. Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order of the learned Special Judge for POCSO Act cases, Tiruvannamalai, Tiruvannamalai District made in CrI.M.P.No.42 of 2019 in Special SC.No.42 of 2019 dated 24.05.2022 in dismissing the petition filed by the petitioner herein u/s.311 Cr.P.C and restore the said petition on the file of the learned Special Judge for POCSO Act cases, Tiruvannamalai, Tiruvannamalai District.

For Petitioner	: Mr.T.Shanmugam
For Respondent	: Mr.A.Gokulakrishnan Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order of the learned Special Judge for POCSO Act cases, Tiruvannamalai, Tiruvannamalai



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District made in CrI.M.P.No.42 of 2019 in Special SC.No.42 of 2019 dated 24.05.2022 in dismissing the petition filed by the petitioner herein u/s.311 Cr.P.C and restore the petition on the file of the learned Special Judge for POCSO Act cases, Tiruvannamalai, Tiruvannamalai District.

2. The contention of the learned counsel for the petitioner is that owing to Covid pandemic, he was not able to get the requisite particulars and information so as to accommodate the counsel with proper instructions to cross examine the witnesses. Therefore, he pleaded this Court to afford him one more opportunity to cross examine the witnesses. Hence, this Criminal Original Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. It is to be noted that Section 33(5) of the Protection of Children from Sexual Offences Act, 2021 stipulates that the Special Court shall ensure that the child is not called repeatedly to testify in the Court and similarly under 33(6), aggressive questioning to the Child are also prohibited. Considering the submissions of the learned counsel for the petitioner to provide one more



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opportunity to cross examine the witnesses, this Court is inclined to grant one more opportunity to the petitioner for cross examining the witnesses subject to payment of Rs.10,000/- as deposit before the Trial Court in Special S.C.No.42 of 2019. On such deposit, the Trial Court shall summon the witnesses on a specific date and on the same day, the cross examination shall be done . It is made clear that in the event, if the petitioner has not entered appearance to cross examine the witnesses, his right to further cross examination will be lost.

5. Accordingly, this criminal original petition stands disposed of. No costs.

07.07.2022

dhk

To

1.Special Court for POCSO Act cases
Tiruvannamalai
Tiruvannamalai District

2.The Inspector of Police
All Women Police Station
Tiruvannamalai District

4.The Public Prosecutor,
Madras High Court, Chennai



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N. SATHISH KUMAR,J.

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