



Crl.OP.No.23772 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23772 of 2022
and Crl.M.P.No.15133 of 2022

1. N.Pasupathi
2. L.Kanniyappan
3. K.Sarathkumar
4. K.Rajkumar

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Mangalam Police Station,
Puducherry
(In Crime No.205 of 2020)

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for records of the Order dated 11.08.2022 made in Cr.M.P.No.1757 of 2022 in Special S.C.No.11 of 2021, on the file of the Learned Special Judge at Puducherry (Under POCSO Act) and set aside the same.

For Petitioners : M/s.T.Lavanya

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 11.08.2022 made in Cr.M.P.No.1757 of 2022 in Special S.C.No.11 of 2021 on the file of the Learned Special Judge at Puducherry (Under POCSO Act).

2. The learned counsel for the petitioner would submit that the petitioners are arrayed as A1 to A4 in Special S.C.No.11 of 2021 on the file of learned Special Judge, Puducherry (Under POCSO Act). He would further submit that the respondent police have prosecuted the petitioners for having committed the offences punishable under Sections 6, 10 and 12 of POCSO Act, 2012 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015. He would further submit that in this case, P.W.1 to P.W.5 were already cross-examined by the defence side. He would further submit that the petitioner had filed an application under Section 311 of Cr.P.C in C.M.P.No.1757 of 2022 before the Trial Court to recall the witnesses P.W.1 to P.W.5 for further cross-examination, which was dismissed by the Trial Court on the ground that already P.W.1 to P.W.5 have been cross-examined by the defence side. Aggrieved over the same, the present petition has been filed to set aside the impugned order.



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3. Heard the learned counsel for the petitioners and learned Government Advocate (Crl.side) and perused the materials available on records.

4. On perusal of the records, it reveals that the petitioners 1 to 4 are arrayed as accused in Special S.C.No.11 of 2021 on the file of the learned Special Judge at Puducherry (Under POCSO Act). The respondent police have prosecuted the petitioners for having committed the offences under Sections 6, 10 and 12 of POCSO Act, 2012 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015. In this case, during the trial, P.W.1 to P.W5 have been examined on 26.08.2021 and on the same day, they were cross examined by the defence side. At the stage of examination of witness No.15, the petitioners had filed a petition under Section 311 of Cr.P.C to recall P.W.1 to P.W5 for further cross-examination for the reason that they have omitted some important points while cross-examination. Since the petitioners have not assigned any valid reason in the petition for recalling the P.W.1 to P.W5 for cross examination, the learned Trial Court had dismissed the petition with an observation that petitioners have already cross-examined the witnesses P.W.1 to P.W5. In such view of the matter, this



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Court does not find any ground to recall the P.W.1 to P.W5 for further cross-examination. Hence, this Court does not find any infirmity in the order passed by the Trial Court and I find no merit in this petition.

5. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

30.09.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

1.The Inspector of Police,
Mangalam Police Station,
Puducherry.

2.The Public Prosecutor
High Court, Madras



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V.SIVAGNANAM,J.

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