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CrI.OP.No.30394 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30394 of 2022

Nagappan @ Sasi

... Petitioner

Vs.

State by:

The Inspector of Police,
All Women Police Station,
Tambaram,
Chennai.

(Crime No.12 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dismissing the petitioner preferred under Section 311 of the Code of Criminal Procedure to recall PW1 in CrI.M.P.No.875 of 2022 in Spl.S.C.No.152 of 2019 on the file of Sessions Judge, Special Court for Exclusive Trial of case under POCSO Act, Chengalpattu by his order dated 25.08.2022.

For Petitioner : Mr.V.Chinnasamy

For Respondents : Mr.S.Santhosh
Government Advocate(Criminal side)



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ORDER

This Criminal Original Petition has been filed to set aside the order dismissing the petitioner preferred under Section 311 of the Code of Criminal Procedure to recall PW1 in Crl.M.P.No.875 of 2022 in Spl.S.C.No.152 of 2019 on the file of Sessions Judge, Special Court for Exclusive Trial of case under POCSO Act, Chengalpattu by his order dated 25.08.2022.

2.The learned counsel for the petitioner submitted that PW1 has to be recalled for the purpose of further cross examination.

3.This petition is strongly opposed by the learned Government Advocate (Criminal Side) on the ground that it is a case involving the offence under Section 9 (1), 9(m) and 10 POCSO Act in Special Case No.152 of 2019. The examination of prosecution witnesses is almost over and at this stage, this petition is filed.

4.Heard both the sides.



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5.The perusal of the order of learned Trial Judge shows that P.W.1 was examined on 06.11.2019 and on the same day P.W.1 was elaborately cross examined by the defence. It is also observed that the prosecution examined P.W.1 to P.W.11 witnesses and the case is pending for examination of the Investigation Officer and at this stage, this petition is filed only to drag on the proceedings and to prolong the case and hence dismissed the petition.

6.This Court considering the fact that P.W.1 was already elaborately cross examined and the case is now pending for the examination of Investigation Officer, finds that the reasoning given by the learned Judge for dismissal of the petition filed under Section 311 of Cr.P.C. is correct. Therefore, order dated 25.08.2022 in Crl.M.P.No.875 of 2022 in Spl.SC.No.152 of 2019 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Case under POCSO Act, Chengalpattu is confirmed.

7.Accordingly, this Criminal Original Petition is dismissed.



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Index: Yes / No

Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

ep

To

- 1.The Inspector of Police,
All Women Police Station,
Tambaram,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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